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# The American Historical Review

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THE BALLOT AND OTHER FORMS OF VOTING IN  
THE ITALIAN COMMUNES

IN all political communities where the franchise has been granted to any considerable part of the people the process of voting, of arriving at a decision on some controverted subject, has occupied no small part of the time of the constitution-makers. Every American, every Englishman knows, almost by intuition, what we mean by *viva voce* voting, by division, by the ballot. Most students of history know, in a general way, that many of these forms of voting were in common use among the Greeks and Romans, but few men are aware that after the decline of the states of antiquity nearly all the forms of voting lay in abeyance for six or seven centuries, to be revived or rediscovered by the communes of northern Italy. Much controversy and discussion has arisen over the history of the ballot and other forms of voting in modern times. The present writer, however, sees no reason to doubt that the revival of all forms of voting used in modern times is due to the activity of these towns of Italy.

Among the Greeks,<sup>1</sup> as we should expect, the highest development of electoral processes was attained by the Athenians. In Sparta, where constitutional development was much less marked, the modes of voting were much cruder and, as Aristotle says, almost childish.<sup>2</sup> At Athens, for legislative purposes, the ordinary process of voting was by show of hands,<sup>3</sup> but in special cases where the

<sup>1</sup> For general treatises on the whole subject of Greek modes of voting see K. F. Hermann, *Lehrbuch der Griechischen Alterthümer*, 6th ed., 1889-1892, I. 155 ff., 478 ff.; G. Gilbert, *Handbuch der Griechischen Staatsalterthümer*, I. 52-57, 240, 295-347 *passim*; and I. Müller, *Handbuch der Klassischen Alterthumswissenschaft*, IV. pt. I., 2nd ed., 1892, pp. 82-84, 152-176. For Athens see J. W. Headlam, *Election by Lot in Athens*, 1891.

<sup>2</sup> Aristotle, *Politics*, II. 9.

<sup>3</sup> Aristotle, *Athenian Constitution*, Chap. 43.

questions to be settled were of greater weight, cases such as the granting of citizenship, the removal of civil disabilities, the ostracism of a citizen, the assembly voted by ballot.<sup>1</sup> In the election of officials the Athenians resorted almost entirely to the use of the lot; but military officers and a few other officials whose duties were largely technical or whose office required special training, were chosen in the general assembly (*Ecclesia*) by show of hands.<sup>2</sup>

In Rome, the processes of voting were even more elaborate than in Greece.<sup>3</sup> In the senate, after the question had been stated, the first step in the deliberation partook partly of the nature of a debate, partly of the nature of an informal vote,<sup>4</sup> each senator declaring his opinion, with or without statement of his reasons. When this process was completed, the chairman summed up the debate and led the assembly on to a vote. The vote was always taken by division (*discessio*); the presiding officer, after putting the question, required the affirmative to take places on one side of his rostrum, the negative on the other. When the division was complete the president announced the result: *Haec pars major videtur*.<sup>5</sup>

In the assemblies where the vote was cast not by individuals, but by voting units, the *Curiae*, the centuries, or the tribes, the process was necessarily more complicated. After discussion of the question had taken place, or the names of candidates who had offered themselves for election had been presented to the assembly, the voting units were assigned to their booths (*saeptae*); when all the voters had been gathered, tellers were assigned who took their station at the outlet (*pons*) of the booth. Then each man, as he stepped forth, voted either for or against the proposition, and the teller pricked the vote on one or the other of the two tablets which he held as tallies; or the voter, as he stepped forth, gave in the name of his candidate, and the teller recorded it on the tablet on which the name of that candidate was inscribed. When this individual vote was accomplished the tellers handed in the results to the president, who in turn announced the results to the assembly.<sup>6</sup>

This was the regular and invariable process down to the last half of the second century before Christ. In the years between 140 and 130 B. C., a series of laws were passed which introduced the

<sup>1</sup> G. Gilbert, *Handbuch der Griechischen Staatsalterthümer*, I. 332, 346.

<sup>2</sup> Aristotle, *Athenian Constitution*, Chap. 43.

<sup>3</sup> For general treatises on the whole subject see: T. Mommsen, *Römisches Staatsrecht*, 1887-1888, III. 389-410, III pt. 2, 962-1003; I. Müller, *Handbuch der Klassischen Alterthumswissenschaft*, 2nd ed., IV. pt. 2, 1893, 124-127, 148-167; I. Gentile, *Le Elezione e il Broglio nella Repubblica Romana*, 1879.

<sup>4</sup> Mommsen, III. 962 ff.

<sup>5</sup> Mommsen, III. pt. 2, 991-992.

<sup>6</sup> *Ibid.*, III 397 ff.



ballot, first in the election of magistrates, and later in legislative proceedings. The mode of voting from this time forward was as follows : As the voters entered the booths they were given ballots (*tabellae*). These ballots differed according to the subject under discussion : if the vote to be taken was on some law the tablets were marked VR (*uti rogas*) and A (*antiquo*); if the assembly was gathered for an election, the tablets were plain, and the voters inscribed on them the name of the candidate for whom they wished to vote. Each citizen as he passed out of the booth of his voting unit deposited his ballot under the supervision of tellers (*rogatores*) and watchers (*custodes*) in baskets. When the voting was completed the baskets were carried off to some special place called the *diribitorium*, where they were emptied. Here the ballots were sorted and counted, and the results recorded. When this was done the result was announced as under the old method.<sup>1</sup> With the establishment of the empire, the election of magistrates and whatever legislative functions the assemblies had retained passed over to the senate ; along with these functions the senate adopted the ballot, which down to the time of Tiberius had never been used by that body.<sup>2</sup> Freedom of action, however, was lost to the Roman people, and electoral and legislative processes inevitably decayed till they were lost in the night of the fifth and sixth centuries of our era.

Just when these processes were revived the writer is not now prepared to say. That all of them had attained to full vigor by the end of the thirteenth century is, however, established beyond the shadow of a doubt by our sources.

The commonest form of voting in the Middle Ages, for a long time probably the only form of voting, was the *viva voce* vote. In all except the smallest bodies any other form was practically impossible. No such elaborate machinery for recording and counting votes as modern assemblies have evolved existed, and further, the expression of opinion by the mass of men was a much more perfunctory matter than it is at present. In large bodies like the *Parlamento*, the general assembly of the Italian communes, discussion was impossible ; the people when they met were called upon to listen to the words of chosen orators, and when the question had been stated to them in this way all that was left for them to do was to approve or disapprove by such methods as a crowd commonly uses. If they were satisfied they signified their approval by shouts of commendation, if they were dissatisfied they murmured or cried down the speaker, or even at times proceeded to violence and in extreme cases to bloodshed. Whatever the theory of the *Parlamento* may have

<sup>1</sup> Mommsen, III. 400 ff.

<sup>2</sup> *Ibid.*, III. pt. 2, 992.

been, in practice it acted in the way described. At its best the body had all the defects of a popular assembly in which no attempt was made to allow due time for careful preparation.<sup>1</sup> The inefficiency of such a body became more and more manifest as the state developed, and in the thirteenth century its functions are absorbed by the smaller councils and its meetings become more and more occasional. In the smaller councils the ordinary business must likewise have been transacted very largely by *viva voce* voting, though the tendency to restrict this method of voting grows strong enough in the second half of the thirteenth century to produce positive legislation against it. Evidences of this fact are to be found in the statutes of Parma<sup>2</sup> and Ferrara<sup>3</sup> passed in the latter half of the century and in the statutes of Ivrea contained in the code of 1328.<sup>4</sup>

In place of the *viva voce* vote the communes begin to use the various modes of voting common in modern assemblies. Scattered through the statutes of the cities we find references to the division, to the rising vote, and finally to the ballot.

Evidences of the division and the rising vote, while they are not very numerous, extend over a territory wide enough to indicate that they were known and probably used in most of the assemblies of the communes. Just what the process of division was is not entirely clear. In all probability, however, it approximated the earlier Greek and Roman practice where an actual division of the body was made. Thus the statutes of Parma speak of a vote taken by dividing the assembly *per medium palacium*,<sup>5</sup> the statutes of Novara of a *partitum ab uno latere ad aliud*.<sup>6</sup> That the process was already well known when these statutes were passed, is apparent from the fact that no explanation is given of the mode in which the division is to be accomplished; the name sufficed; and consequently we are left in the

<sup>1</sup> For a general description of the *Parlamento* see almost any manual of medieval Italian institutions. A very good article is to be found in G. Rezasco's *Dizionario del Linguaggio Italiano Storico*, 1881, pp. 752-754, where numerous references on the subject are given. For more exact information on the assembly in particular cities see Davidsohn's *Geschichte Florenz*, 1896, pp. 74-76; Caro's *Verfassung Genuas zur Zeit des Podestas*, 1891, pp. 24-28.

<sup>2</sup> "Capitulum quod aliquis officialis communis non eligatur in aliquo consilio generali vel alibi ad vocem et Potestatis teneatur non permittere aliquem eligi, nec eciam nominari ad vocem et si contra factum fuerit electio nulla sit." *Statuta Communis Parmae* in *Mon. Hist. Parm.*, II. 47. See also, *ibid.*, I. 20.

<sup>3</sup> *Statuta di Ferrara dell' Anno 1288*, Liber II., c. 5.

<sup>4</sup> *Statuta Eporediae*, in *Mon. Hist. Patriae*, LL. II. 1116.

<sup>5</sup> *Stat. Com. Parmae*, in *Mon. Hist. Parm.*, II. 57.

<sup>6</sup> *Stat. Com. Novar.*, in *Mon. Hist. Patr.*, LL. II. 556. It is interesting to note that this statute forbids the use of the rising vote in all assemblies and prescribes the division for exclusive use. "Statutum est quod aliquis rector civitatis Novarie in consilio majori vel privato non possit nec debeat facere aliquam partitam sive partitas super aliquo modo sedendi vel levandi, sed faciat ipsam partitam sive partitas ab uno latere ad aliud."

dark as to whether the vote was taken by tellers as the house divided itself, or whether a mere count of heads was considered sufficient. Whether all members were required to vote, whether any checks upon possible fraud were used, and all other questions of detail are left entirely unanswered by the statutes.

Evidences of the rising vote are more copious. Comparatively numerous references to this form of procedure are to be found in the statutes; still many questions as to the process of taking the vote are left open by the brevity with which the statutes describe it. The procedure is usually spoken of as the *partitum ad sedendum et levandum*,<sup>1</sup> and the phrase seems to indicate that the vote was similar to our modern rising vote, first one side and then the other rising in response to the call of the chairman.<sup>2</sup> That this was the process is, however, open to some doubt; in a decree of the commune of Brescia the procedure is briefly described, and from the language used it is possible to account for the phrase *ad sedendum et levandum* by supposing that the question which had been put to an informal vote *ad sedendum* was put a second time more formally *ad levandum*.<sup>3</sup> Or we may conceive that instead of requiring both parties to rise, as is the modern practice, only one side, either the affirmative or the negative, was required to rise, those remaining seated being presumed to vote contrary to those who rose. That this was the practice is distinctly stated by a treatise on the Florentine form of government known as the *Discorso sulle Governo di Firenze*. In this treatise the author declares that the question was put only once; those favoring the proposition retained their seats, those opposing rose.<sup>4</sup> If only one side rose, as is stated here, the scheme contemplated that all members of the assembly should be forced to vote, or it was so constructed that the affirmative should have all the benefit of the members who had no opinions on the subject under discussion. In more modern times the rising vote allows all members who have no desire to vote on either side the alternative of retaining their seats during both calls of the chairman, thus avoiding any registration of their opinions.

<sup>1</sup> See *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 52, 57; *Stat. Com. Novar.*, in *Mon. Hist. Patr.*, LL. II. 556; Gherardi, *Consulti di Firenze*, introd., p. xiii.

<sup>2</sup> Gherardi (introd., p. xiii) so interprets the phrase. He declares: "ma chiaro apparisce, s'io non m'inganno, che la votazione constava, perdir così, non di uno solo ma de due successivi e opposti atti dei consiglieri, che quelli cioè che al primo invito si erano alzati, poniamo per approvare, al secondo restavano seduti."

<sup>3</sup> "Item quod Potestas. . . teneatur et debeat facere partitam revolvendo eam, ita quod illud partitum quo semel posuerit ad sedendum iterato ponat ad levandum et quod solum illud partitum reformetur. . . quod obtinet in revolutione." *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (101).

<sup>4</sup> "Il palese si faceva a sedere e rizzarsi. . . il sedere e rizzarsi facevansi immediatamente l'uno dopo l'altro. Il sedere favoriva, il rizzarsi disfavoriva." *Discorso*, etc., Appendix II., in Capponi, *Istoria di Firenze*, I. 457-458.

The discussion of the processes of voting in the communes has so far been confined to the deliberative side of the assemblies. These councils, however, like the old Roman *Comitiae*, possessed the electoral as well as the legislative franchise, and it is in the exercise of their functions as electors that we find the greatest development of voting procedure. All this development had, of course, two great objects in view, order and secrecy. The questions of policy or government that the councils were called upon to settle were ordinarily not of such a nature that the passions of men were aroused to a great extent, but in Italy, where office-holding, far from being the burden that it was in the boroughs of England in the Middle Ages, was a privilege as highly regarded as it is among the citizens of a modern state, elections aroused men to a display of passions that we can scarcely understand. Toward the obtaining of office and the control of the government much of the energy of the great parties in the communes was directed. Government positions were contended for with as much vigor as they are to-day; the only difference being that men in the twelfth and thirteenth centuries were much more ready to proceed to violence and bloodshed than they are in the nineteenth, and consequently the results of this rivalry were much more visible. The great difficulty in almost all assemblies in the Middle Ages was that on all questions vital enough to cause a division of opinion the ultimate appeal was sure to be to force; men who failed to agree with the majority were given no chance to record their opinions, were not allowed to fight out their battles by deliberative means, but were coerced at once and for all time to submit to the will of the majority. Even the majority was only too often the result of the armed preponderance of a few men over the mass of the people who did not dare to oppose them. Under the communal organization such a state of affairs could not long exist, and the twelfth and thirteenth centuries mark the growth of a series of regular deliberative and elective forms designed to overcome these elements of disorder. The statutes are full of decrees looking toward the reduction and the punishment of all sorts of violence and all sorts of interference with the full exercise of personal liberty.

As to the particular precautions which were taken to prevent fraud and coercion, these will appear as we discuss the processes of election provided by the statutes of the various communes. If we should generalize on these processes we should find that they can be grouped under four heads, namely: (1) election by some external authority, election delegated by the commune to some individual or corporation having no direct interest in the welfare of the body



politic ; (2) indirect election, in which the electors do not themselves choose among the candidates but name electors who in turn select the officials ; (3) election by lot ; (4) election by ballot.

First as regards the election by some external authority. This method, while it was never recognized by any commune in full possession of its municipal rights as a regular mode of election, was, nevertheless, repeatedly adopted as a last resort when party feeling ran so high that choice by the burghers in any regular way was impossible. In passing it may be observed that the institution of the *Podestà*, adopted universally in the latter half of the twelfth and the beginning of the thirteenth century, was in part at least an effort to find a means of overcoming the intense rivalry among the parties in the communes.

Probably the commonest form which the phenomenon of delegated election takes is that where the commune appeals to some individual or group of individuals to choose its magistrate. In Piacenza, for instance, in 1221 Cardinal Ugolino of Ostia in his endeavor to bring the *Milites* and *Populi* to an agreement set up, with the consent of both parties, Otto Mandello, a citizen of Milan, as *Podestà* ; again in 1226, the *Podestà*<sup>1</sup> of Milan, Guazone Ruscha, was called upon to settle the disputes of the factions and gave them a Milanese as chief executive ;<sup>2</sup> in 1236 the experiment was made a third time, Cardinal Jacobo de Pecoria acting as mediator and choosing Rainerio Zono of Venice.<sup>3</sup> Another case of the same kind occurred in Reggio in 1250 when the citizens sent to Ezzelino da Romano asking him to send them a governor. In response Ezzelino settled upon Ugolino de Sancta Juliana as *Podestà* for Reggio.<sup>4</sup> Such cases are very common ; often, however, it is hard to distinguish between coercion on the part of a powerful lord like Ezzelino da Romano or Azzo d'Este and a free delegation of power by the commune.

A peculiar case of delegation of the right to elect a magistrate occurs in a document dated March 6, 1189, in which a small town, Buonde de Porcile, in the Veronese district, delegates to five *Juratos Veronensis Canonice* the power to designate the person who shall choose their magistrate. These five *Jurati* determine upon Adrian, archpresbyter of the cathedral of Verona, and thereupon the election is delegated to him by the town.<sup>5</sup> It is possible that we are here in presence of a commune dependent upon the cathedral chapter of

<sup>1</sup> *Johannis de Mussis Chron.*, in Muratori, *Script. Rerum Ital.*, XVI. 459.

<sup>2</sup> *Ibid.*, 460.

<sup>3</sup> *Ibid.*, 462-463.

<sup>4</sup> *Memor. Potes. Regiensis*, in Muratori, *Script. Rerum Ital.*, VIII. 1117.

<sup>5</sup> *Archivio Veneto*, XXXIV. 171.

Verona. Such cases are common enough, but if this is the state of affairs the document gives no evidence of the fact. It reads like the independent act of a free commune.

In most cases, when the towns were unable to settle their internal difficulties, they appealed to the clergy. When we come to investigate the forms of election we shall see that the clergy were often nominated by the statutes to preside over the elections. We have already noted how the city of Piacenza twice called in a cardinal to compose the hostilities that were going on in the city, and we have seen how the burghers of Buonde de Porcile called upon the canons of the cathedral at Verona to conduct their election. Other examples are numerous: in 1256 the two parties in Milan almost came to blows over an election, and only by allowing four monks, called in for the purpose, to act as electors did they succeed in averting a crisis.<sup>1</sup> Nor is this an exceptional case; others of a similar character occur in other communes.

Another practice, and one much more elaborate than any of those already given, was for the commune to send directly to another town and ask for a chief executive to be chosen as the council of this town saw fit. As an example of this, the choice of Brancalone del Andalo of Bologna as *Senator* of Rome in 1252 is perhaps the most famous. In 1251 and 1252 the city of Rome was in a state of great disorganization; the pope, Innocent IV., had been absent from the city since 1244; first one faction and then another had controlled the city; all things were in an evil condition.<sup>2</sup> Under these circumstances the citizens turned to Bologna and asked that a chief executive be sent them. In answer to this request Brancalone del Andalo, a man of great force and remarkable executive ability, was chosen by the general council of Bologna, and, after receiving hostages from the Romans, journeyed to the city as chief magistrate.<sup>3</sup> This case is so typical that it is useless to multiply examples, though they are common enough.<sup>4</sup>

The election of any official by an external authority was, as stated above, not a process recognized by statute; it was resorted

<sup>1</sup> Galv. Flamma, in Muratori, *Script. Rerum Ital.*, XI. 685-686; *Annal. Mediol.*, *ibid.*, XVI. 658.

<sup>2</sup> Gregorovius, *Geschichte der Stadt Rom*, bk. IX., c. 6.

<sup>3</sup> Cantinelli, *Chron.*, Muratori (Mittarelli), p. 236; Savioli, *Annali Bolognesi*, III. pt. 1, 258-259; Gregorovius, V. 273-274. Cantinelli says under the year 1252: "hoc anno commune urbis Romae misit legatos et ambaxiatores suos ad civitatem Bononie, quod mitteret Romam unum probum et electum virum de Bononia pro senatore, qui urbem pacifice gubernaret. Et tunc in generali consilio communis Bononie ad scrutinium electus fuit D. Brancaleonus de Andalo qui illuc ivit et urbem honorifice et potenter rexit quinque annis."

<sup>4</sup> See for example: *Ann. Mediol.*, in Muratori, *Script. Rerum Ital.*, XVI. 658; Galv. Flamma, *ibid.*, XI. 686; Gregorovius, V. 352; *Stat. di Vicenza*, introd., p. xlii.

to only when conditions in the city made the election by the regular and legal method impossible. Under ordinary conditions all elections were conducted either by indirect election, by lot or by ballot, or by a combination of two or more of these processes.

The purpose of indirect election is most manifest. Where a large body of men would find it absolutely impossible to conduct the business of choosing among candidates, a smaller number of men would find it much easier. Indirect election involves some other process as well. The body which chooses the electors must of necessity use one of the forms of voting known to us; and the electors in turn must use some process in selecting among the candidates. For the present we may, however, confine ourselves to a discussion of the problems that indirect election itself presents.

How early this system was adopted it is hard to say. Nevertheless, in almost the very earliest statutes that are preserved to us we begin to get evidences of the indirect election. In Genoa, for instance, in a charter of the year 1147 electors of consuls and electors of electors are mentioned,<sup>1</sup> and from the *Breve della Compagna* for 1157 some idea of the process in these early times may be gathered.<sup>2</sup> The document offers so many questions, however, and so many descriptions of the indirect election as conducted in later times exist that it is better to pass it by and to describe the process as set forth in some later source.<sup>3</sup> Thus in the statutes of Vicenza the process is described as follows. The *Podestà* and council of elders choose once a year five men from each quarter of the city. The twenty thus chosen with the *Podestà* formed an electoral college and chose four hundred good and true men, one hundred from each quarter, to act as the greater council for the succeeding year.<sup>4</sup> In the election of the lesser council of forty exactly the same process was followed, except that instead of choosing five electors from each quarter only two were chosen.

What has been described as taking place in Vicenza took place in other communes in northern Italy in the middle of the thirteenth century. The statutes vary in minor details, but in the broad outlines they are the same. Occasionally we come across details that are interesting enough to be noted; thus in the commune of Parma, according to the statute of 1233, it was the rule that instead of the electors acting together as a college and together choosing enough

<sup>1</sup> *Mon. Hist. Patr., Liber Jurium Jan.*, I., No. 134, p. 131. "Electores consulum et electores electorum" is the phrase used.

<sup>2</sup> *Breve della Compag.*, in *Atti della Soc. Liguria*, I. 176, 185.

<sup>3</sup> On the whole subject of elections in Genoa see G. Caro, *Genua zur Zeit des Podestas*, pp. 34 ff.

<sup>4</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), p. 71.

of the candidates to fill the offices, each elector as an individual chose a certain number of men who were then considered legally elected.<sup>1</sup> In Ivrea, the electors who were chosen by lot were forbidden to retain the lot which they had drawn. Instead of acting themselves they were required to pass it on to a second person, the avowed purpose of the statute being to prevent fraud.<sup>2</sup> That the object of this process was peace and quiet at the election appears very clearly from the careful restrictions put upon the electors. When election by lot has been discussed more will be said of the precautions with which the statutes hedged in the electors after they had been chosen ; at present it is sufficient merely to call attention to the stringent oath that was required of the electors as early as the end of the twelfth century in Pistoia.<sup>3</sup> They were required to swear that they would form no combinations, would not yield to any power outside the city, would neither take nor give any bribes or promises, and would make no oaths or agreements, in short, would do nothing to hamper in any way their action as free agents. They promised to the best of their ability to elect the most fit and powerful man possible, the man who would serve with the greatest honor and credit to the city. This oath, strong as it is, is only an example of what is constantly demanded of the electors later. Purity of elections is the constant aim of these early constitution-makers.

Of the number of electors little need be said. In the earliest days, when the electors were possibly chosen by *viva voce* vote, the number was comparatively small. In Genoa in 1137 the number seems to have been six.<sup>4</sup> In Pisa and Parma in the twelfth century the number was even smaller, three being mentioned as regular.<sup>5</sup> In later years when the electors were chosen by lot or by ballot the number was considerably increased, twenty, thirty and even forty being more common than three or six.<sup>6</sup>

In our earliest sources nothing is said of the actual procedure at elections ; in all probability the assemblies and the electors in these early years still retained the *viva voce* vote for purposes of election as well as for purposes of deliberative voting. In the thirteenth century, when the sources begin to flow more freely, the com-

<sup>1</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, I. 20.

<sup>2</sup> "Ita quod aliqua fraus inde non possit," *Stat. Epor.*, in *Mon. Hist. Patr.*, LL. I. 1115. See also *ibid.*, pp. 1107, 1124.

<sup>3</sup> *Stat. Civit. Pist.*, in Muratori, *Antiq. Ital.*, IV. 534.

<sup>4</sup> *Ann. Januen.*, in *Mon. Germ. Hist.*, SS. XVIII. 186.

<sup>5</sup> *Breve Consulum Pisanæ*, in Bonaini, *Statuti Pis.*, I. 25 ; *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, I. 20.

<sup>6</sup> *Stat. Com. Bonon.*, in *Mon. Ist. di Romagna*, III. 19 ff ; *Stat. Com. Vicen.* (ed. F. Lampertico), p. 80.



monest, indeed for at least half a century the only mode of election spoken of is the lot. The term most commonly used to describe the lots is *brevia*,<sup>1</sup> though the term *sortes* is not wanting. In the statutes of Brescia, for instance, the term *sortes* is used almost exclusively,<sup>2</sup> while in the statutes of Piacenza the two terms are used interchangeably.<sup>3</sup>

The question of the origin of the use of lots in elections need not detain us long. When the towns first began to use them it is impossible to say. It may be that the introduction of the lot and of indirect election was coincident, but if we assume, as seems likely,<sup>4</sup> that the indirect election preceded the lot, we may assume that the indirect election, while it did away with some of the violence and corruption incident to direct elections, did not entirely remedy the evil. Bribery and corruption, intimidation and violence still continued, and the further step to the choice of electors by lot was introduced. Where the idea of using the lot in elections came from is a question that needs little investigation. The practice of casting lots is as old as the world's history, and when the necessity of a new system of choosing electors arose, the communes must have found on all sides references to this ancient system, the adoption of which seemed to point to a remedy for the evils from which they were suffering.

As to the machinery which the communes used in casting lots, we are fortunately furnished by several of the codes with elaborate descriptions of the procedure. Thus according to the statutes of Bologna for 1245-1250 the election of special counsellors was accomplished as follows. The electoral body, the gild, was assembled by the masters; the electors, nine in number, were chosen by lot. The lots were drawn from a cap by a small boy and given to the members of the gild. From the drawing the masters were excluded since they were forbidden to act as electors. Naturally those who received the marked lots acted as electors.<sup>5</sup>

In Parma much the same practice was in vogue, but the language

<sup>1</sup> If Caro had had a wider acquaintance with Italian sources he would not have made the mistake of supposing that the term *brevia* used repeatedly in reference to elections in Genoa meant a formula for the oath which the electors were required to take. Even the sources for the study of elections in Genoa make it clear that the word *brevia* means a lot; in at least one instance the annalist of the city uses the expression *brevia sive sortes*, thus indicating that the terms are similar. *Mon. Germ. Hist.*, SS. XVIII. 179. See Caro, *Genua zur Zeit des Podestas*, pp. 35 and 91-92, notes 24-28.

<sup>2</sup> *Stat. Bresciana*, in *Mon. Hist. Patr.*, LL. II. 1584 (27) ff.

<sup>3</sup> *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 235; also *Stat. Com. Novariat*, in *Mon. Hist. Patr.*, LL. II. 560.

<sup>4</sup> Likely because the evidences of the indirect election antedate those of the election by lot by several decades.

<sup>5</sup> *Stat. Pop. Bon.*, in *Mon. Ist. di Romagna*, I. 9.

of the statutes makes it much clearer that the purpose of the lot was to avoid fraud and violence. Indeed the rubric of the statute reads: "*Capitulum ad evitandum quod aliquis qui non sit de consilio generali debeat stare ad sortes recipiendas, et ad evitandum contentiones super hoc.*"<sup>1</sup> Here instead of having one cap, two are used. As the names are called, the councillors are required to answer and leave the chamber, in order that no one may try his chance twice or answer for an absent member. During the drawing the members are forbidden to stand near the chairman's platform under penalty of a heavy fine.

Under the statutes of Brescia, which bear a later date, the practice is much more elaborate than either of those described. The names of the councillors were placed in a bag and as many lots black and white (*sortes nigrae et albae*) as there were names were to be provided by the tellers. The tellers, two Minorite friars and two Dominicans, were to mix the names and one by one the names and the lots were to be drawn. Whenever a black lot was drawn, one of the friars recorded the name of the councillor chosen and the quarter of the city from which he came. When the process was completed the names were read, and the list passed over to the chairman, and the electoral college was thus formed.<sup>2</sup>

Beyond a doubt the one thing that the communes were striving for was purity in elections. With this end in view the election was hedged in with all sorts of conditions. In Parma the precautions against repeating were elaborate.<sup>3</sup> In almost all of the cities all persons not directly interested in the drawing of the lots were forbidden to come within three or four yards of the polling-place.<sup>4</sup> In Bologna and Sienna the statutes decreed that the lots marked and unmarked shall be identical in form and substance, so that no one can discern the one from the other.<sup>5</sup> In order to prevent connivance and collusion the electors were required to take strict oaths;<sup>6</sup> with the same object in view, in many cities no two members of the same family could act in the same electoral college, nor could any elector vote for himself or for any member of his family.<sup>7</sup> Most of all, however, the statutes insisted that the election should follow immediately upon the choosing of the electors.

In some towns the electors were required to give in their votes

<sup>1</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 39.

<sup>2</sup> *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1632.

<sup>3</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 39.

<sup>4</sup> See, for instance, *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (200); and *Stat. Bonon.*, in *Mon. Istor. di Romagn.*, III. 110-111.

<sup>5</sup> *Stat. Bon.*, as above, 35-36; *Const. Com. Senarum* (ed. Zdekauer), 56.

<sup>6</sup> *Stat. Pistor.*, in Muratori, *Antiq. Ital.*, IV. 534.

<sup>7</sup> *Stat. Com. Bon.*, in *Mon. Istor. di Romagna*, III. 36, 38, 40.

openly to tellers appointed for that purpose.<sup>1</sup> In Brescia, for instance, the statute requires that the tellers, with the notaries of the *Podestà*, shall take their place at the voting-stand, and those who have received the lots shall require the notaries to write down the names of the persons whom they select as they advance, in turn, to the voting place. Each elector, after he sees that the notary has written down a name, shall require the tellers to read the name which has been written and the office to which the person designated has been elected. No one holding any office in the commune shall be present while the voting is going on.<sup>2</sup>

The more common practice, however, was for the electors to form themselves into a sort of conclave in which the election must be accomplished within a definite period of time, usually three days.<sup>3</sup> In order to remove them entirely from outside influences, they were shut up in a room, removed from all communication with any members of the commune,<sup>4</sup> and, if they failed to accomplish their task in the prescribed time, they were either dismissed<sup>5</sup> or were forced to continue their deliberations on short rations<sup>6</sup> till the election was accomplished. This procedure had been completed at least as early as 1223. In the annals of Piacenza for that year we find an account of a conclave held in that city for the election of a *Podestà*. Owing to the bitter hostility of the parties the electors were unable to come to any agreement, and the commune was forced to dismiss them and to choose a second set of electors to accomplish the task.<sup>7</sup>

At this point we come very near to a subject of considerable interest, namely, the connection, if any connection existed, between the development of papal elections and communal elections. Just as the twelfth and thirteenth centuries are the centuries in which the

<sup>1</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 39-40; *Stat. Brix.*, in *Mon. Hist. Patr.*, LL.II. 1584 (162-163).

<sup>2</sup> "Item quod quando eligantur officiales ad sortes precones debeant stare tantum ad parlatorium . . . et ille qui accipit sortem officialis debeat primo facere scribi per notarium potestatis officialem quem eligit et postea dicat et denuntiet preconibus ut debeat nominare officialem quem eligit et ad quod officium electus sit . . . et quod nullus ministralis stet ad consilium quando dantur sortes." *Stat. Brix.*, as above, 1584 (163-164).

<sup>3</sup> *Stat. Vicen.* (ed. F. Lampertico), 80; *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 216.

<sup>4</sup> *Stat. Com. Bonon.*, in *Mon. Ist. di Romagna*, III. 44.

<sup>5</sup> *Stat. Com. Bonon.*, as above; *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 216.

<sup>6</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), 80.

<sup>7</sup> . . . "qui steterint in camera communis pro potestate eligenda usque ad diem Sabbati proximum, non comedentes neque bibentes. Qui cum in electione potestatis se accordare . . . non potuissent," a new set of electors was chosen, "qui ea die in communis camera fuerunt pro potestate eligenda inclusi . . . qui steterunt in ipsa camera usque ad diem Veneris proximum. . . . Ea vero die divina misericordia concorditer eligerunt in potestatem communis Placentie D. Nigrinum Marianum." *Ann. Placent. Guelfi*, in *Mon. Germ. Hist.*, SS. XVIII. 438-439.

communes are most actively engaged in the perfection of electoral processes, so the papacy in these years was engrossed in providing a system of elections which should remove it from the numerous dangers which schisms and delayed elections were producing.

The papal conclave which exists to-day is the outgrowth of the activity of the papacy in the thirteenth century. The conclave in its present form owes its origin to the decree of Gregory X. passed at the council of Lyons in 1274. Since 1179, when Alexander III. had issued the decree requiring a vote of two-thirds to elect a pope, the tendency of papal elections had been toward regularity and purity; but during the days of Frederick II., whatever the purposes of the papacy may have been, the cardinals found it impossible to carry on their elections secretly and removed from outside interference. At several of the elections during this century it is probable that the cardinals endeavored to carry out the ideas of earlier popes and to hold their elections removed from all secular interference, but it is not till the year 1274 that the conclave becomes recognized as a part of the procedure necessary in the election of a pope. That the papal and the communal system owed much to each other is probable. That one is the outgrowth of the other is not likely. More probable is the supposition that both arose from the very natural desire to remove the electors of officials from the influences of intimidation and corruption.<sup>1</sup>

The procedure followed by the electors in their secret meetings is nowhere described in the statutes of the earlier days. It is fair to presume that at first they voted much as they did in open council, the purpose of withdrawing them from the public being probably simply to remove them from external influences. In most cases the college acted, no doubt, quite informally, and the election was accomplished without serious difficulties. In cases where the electors failed to agree, however, especially when they were zealously attached to the different candidates, the dissensions and disturbances which had formerly involved the whole body of citizens or at least the council to which the election was entrusted, were now merely transferred to the smaller electoral college. That such divisions did take place is obvious from a glance at the history of the communes, and from the fact that the statutes required that the election be accomplished within a fixed time, and, in the third place, from the fact that the number necessary to a choice was set by the election decree. In Genoa the choice seems, as a rule, to have been a

<sup>1</sup>On the subject of papal elections see Hinschius, *Kirchenrecht*, 1869-1897, I. 239-294; Zoepfl, *Papstwahlen vom 11. bis zum 14. Jahrhundert*, 1871; Souchon, *Papstwahlen von Bonifaz VIII. bis Urban V.*, 1888; Sägmüller, *Papstwahlen von 1437 bis 1555*, 1890; Lector, *Le Conclave*, 1894, especially Chapters III. and IV.



unanimous one, though not necessarily so;<sup>1</sup> in Brescia and in Ivrea a two-thirds vote was necessary to a choice;<sup>2</sup> in Bologna the same proportion, twenty-seven out of forty, or thirteen out of twenty, was preserved;<sup>3</sup> in other cities four-sevenths was the proportion.<sup>4</sup> In all cases more than a mere majority was required to elect a candidate to office.

In some towns, instead of only one candidate, three were chosen: in such cases the procedure must of necessity have been different. In Vicenza, for instance,<sup>5</sup> the electors were required to choose three candidates within three days, on pain of being deprived of food till they accomplished their task if they exceeded that limit. The names of the three were announced to the Council of Four Hundred "*et in eodem consilio ad partitum ponantur cum tribus busolis ad ballotas,*" and he who received the most votes was called to accept the magistracy.

The phrase which I have just transcribed brings us to the most interesting part of our subject, the introduction and use of the ballot in the Italian communes. It is obvious that while the various amendments introduced into the procedure at elections so far described did much to remove the violence attendant upon the choice of candidates, while they made corruption and intimidation more difficult, still bribery and intimidation continued in large part unabated. A man who must vote openly in an electoral assembly was at the mercy of his companions. He might be threatened with punishment for an adverse vote by one man as well as by fifty, and in this respect the indirect election was still defective. Order had been procured or at least disorder had been minimized, but as yet the most essential element of pure elections, secrecy, was lacking. This element was introduced when the ballot was adopted by the towns for use in their elections and in their legislative deliberations. That this process of advance was at all regular, or even that men advanced from one step to another entirely conscious of the progress they were making, is not to be thought of. The fact remains, nevertheless, that between the beginning of the twelfth century and the end of the thirteenth the communes had moved onward from direct *viva voce* voting to the indirect election conducted under the secrecy of the ballot.

<sup>1</sup> *Ann. Januen.*, in *Mon. Germ. Hist.*, SS. XVIII. 159, 160.

<sup>2</sup> *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (238); *Stat. Com. Epor.*, in *Mon. Hist. Patr.*, LL. I. 1107.

<sup>3</sup> *Stat. Com. Bonon.*, in *Mon. Ist. di Romagna*, III. 19 ff.

<sup>4</sup> *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 246; *Stat. Potest. Pistor.* (ed. Zdekauer), p. 17.

<sup>5</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), p. 80; *Discorso sulle Governo di Firenze* in Capponi, *St. di Firenze*, I. 557.

Just when and where the ballot was first used in northern Italy, how it came to be revived, and whether it was first used in deliberative or electoral assemblies, cannot be stated with entire certainty. Probably it was first used in deliberative voting and later was adopted for use in elections. In support of this probability several arguments may be advanced. In the first place, the use of the word ballot would seem to support this contention. The word means originally simply a small ball; these balls, as we shall see shortly, were commonly beans, white ones to signify affirmation, black ones to signify negation. Now it is scarcely probable that beans would have been decided upon for use in elections where distinctions between candidates were to be made, while it is entirely conceivable that they should have been adopted for use in deliberative voting. In the second place the earliest cases of election by ballot, as we shall see shortly, approximated very closely to the election by lot. The ballot and the ballot-box having been introduced for use in deliberative voting, what was more natural than that the assembly when sitting for the election of magistrates should appropriate the very convenient machinery for casting lots? Finally, the first definite reference to the use of the ballot in legislative proceedings antedates the first reference to its use in elections by almost twenty years.

It is probable that the use of the ballot in deliberative voting was revived some time in the first half of the thirteenth century. As early as 1246 the statutes of Brescia prescribe the vote by ballot in certain cases and content themselves with simply mentioning the process without describing it further.<sup>1</sup> From this time on the statutes of Brescia are full of references to the ballot, though never to the ballot in use at elections.<sup>2</sup> What is here referred to merely by name, we find fully described in other places. In the statutes of Vicenza, codified in 1264, there is a decree which provides that balloting shall take place as follows: All propositions placed before the Greater Council and the Council of Forty shall be decided by the use of the ballot. The councillors are required to advance one at a time and deposit their ballots with care, so that no one shall see how they have voted.<sup>3</sup> When we have as much information as

<sup>1</sup> . . . "quod non fatiet expensas aliquas de avero comunis, nisi secundum quod per consilium comunis Brixie reformatum cum busolis et ballotis provisum et dispositum fuerit . . . Edictum fuit hoc capitulum millesimo ducentesimo quadragesimo sexto" . . . *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (166-167).

<sup>2</sup> See, for instance, *Stat. Com. Brix.*, as above, pp. 1584 (167), 1584 (115), 1597, etc.

<sup>3</sup> " . . . ballotas sibi datas in busolis in quibus voluerint taliter deponant quod nemo possit pendere manum in singulo imponentes." *Stat. Vicen.* (ed. F. Lampertico), p. 72.

is here given, we have all that is really vital; the two great desiderata of all regulations about voting were order and secrecy, and these the present regulations provide for. From other sources we may gather information about the process of voting, the character of the ballots used, the arrangements for depositing the votes, for counting the ballots, and other details. Thus in a decree of 1279 in Brescia we get a most minute description of the procedure. The decree first prohibits the use of the rising vote; it then enacts that the chairman shall put the question and see that all the voters are provided with ballots. He must then instruct them as to the position of the boxes and warn them to exercise due care in casting their votes. All the paraphernalia must, according to the decree, be constructed on a particular model. The tellers are to be chosen from the household of the *Podestà*. They receive their instructions to be particularly careful and alert against fraud, to watch over the distributing, depositing and counting of the ballots, to see that the councillors do not meddle in any way with the boxes.<sup>1</sup> Other descriptions may be found in the statutes of Ivrea<sup>2</sup> and in the *Discorso sulle Governo di Firenze*.<sup>3</sup> As to the character of the ballots used, in most cities these were black and white beans,<sup>4</sup> in one city at least, Florence, the ballots seem to have been made of lead.<sup>5</sup>

Turning now to the subject of elections by ballot, a series of questions are presented to us. Just how early the election by ballot occurs is difficult to determine. Stray references to what may have been elections are found in the early years of the century. Thus in a chronicle of Venice, under the year 1204, we have the following statement concerning the election of an emperor of Constantinople: "Habita civitate XII eligendi pariter electi, dum de idoneori ad imperium scrutinium agerunt."<sup>6</sup> Now the word "scrutinium," as we shall see, was later regularly used to describe secret elections, and if the chronicle were entirely reliable we should be justified in supposing that the Venetians, who were the prime movers in this election of an emperor in the year 1204, knew and used the ballot as early as the beginning of the thirteenth century. But since Dandolo, the author of the chronicle, wrote a century and a half after this event and at a time when the ballot was already well known in Venice, and since the contemporary writers make no mention of the

<sup>1</sup> *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (167-168).

<sup>2</sup> *Stat. Com. Epur.*, in *Mon. Hist. Patr.*, LL. I. 1105.

<sup>3</sup> *Discorso*, etc., in Capponi, *Storia di Firenze*, I. 557-558.

<sup>4</sup> See, for instance, *Stat. Pistor.* (ed. Zdekauer), I. li.; *Stat. Com. Parm.* in *Mon. Hist. Parm.*, II. 2, 52, 54, etc.; *Stat. Epur.*, in *Mon. Hist. Patr.*, I. 7, 1105.

<sup>5</sup> Gherardi, *Consulte di Firenze*, introd., p. xiii.

<sup>6</sup> *Danduli Chronicon*, in Muratori, *Script. Rerum Ital.*, XII. 330.

process of election except to say that it took place behind closed doors, we must hesitate long before accepting this as a case of election by ballot. Again, in Milan in 1215, a document was drawn up in which occur these words: "Item statuo quod officiales eligantur ad lapidem more solito."<sup>1</sup>

The words "ad lapidem," in view of the regular form used in describing elections ("ad brevia," "ad levandum et sedendum," "ad scrutinium," etc.) seem at first to indicate that this was to be an election by ballot in which stones or pebbles were to be used. Reasoning from this analogy, the editor of Corio's history of Milan interprets this passage to refer to an election by ballot;<sup>2</sup> but more careful study by another though earlier historian, Giulini, reveals that the phrase simply refers to "The Stone," a sort of rostrum in the market-place at Milan.<sup>3</sup> By the middle of the thirteenth century, however, we begin to come upon references which are much more trustworthy and definite. Under the year 1252, a chronicler of the Bolognese district, who wrote toward the end of the thirteenth century, records that Brancalone del Andalo was elected *Senator* of Rome "ad scrutinium."<sup>4</sup> Whether this phrase refers to the regular form of the ballot known later in the century or not, is, after all, not of the highest importance. In all probability, the election here described, which was an extraordinary one,<sup>5</sup> was accomplished by some extraordinary form of procedure. We know from the statutes of Bologna that in the middle years of this century the regular form of election was still the lot; but it is possible that on this occasion the Bolognese council adopted some form of procedure in which special care was taken to ascertain the results of the election, or they may even have gone so far as to adopt for the time being the papal system of election, which was known regularly as the *scrutinium*.

Of papal elections in the thirteenth century a few more words may be said here. Since the beginning of the century, even before the papal conclave had come into existence, the cardinals, on the death of a pope, were in the habit of meeting together for the election of a new bishop of Rome. The first step in this process was the election of three tellers (*scrutatores*) and three tellers for the tellers (*scrutatores scrutatorum*). The three tellers then wrote down

<sup>1</sup> Corio, *Storia di Milano* (edited by E. Magri, 1855-1857), I. 353.

<sup>2</sup> Corio, *Storia di Milano*, I. 375.

<sup>3</sup> Giulini, *Memorie, etc., di Milano* (edited by M. Fabi, 1854-1857), IV. 223-224, 315-317.

<sup>4</sup> "Et tunc in general consilio communis Bononie ad scrutinium electus fuit D. Brancalonus de Andalo." Cantinelli, *Chron.*, in Muratori (*Mittarelli*), 235, 236.

<sup>5</sup> For more details of the election see page 8, *supra*.



on tablets the name or names of the candidates whom they wished to vote for, and passed them to their tellers who must keep the names secret. Having voted themselves, the tellers took their places and invited the other cardinals to vote. Each cardinal followed the practice just described, no ballot being revealed till the whole body had voted. Then the tellers opened the ballots and read the names of the cardinals voting and the candidates whom they had voted for. The results were tabulated on tally-sheets, and if some candidate had received a two-thirds vote he was declared elected. If no one had received the required number of votes the process had to be repeated till two-thirds of the college were agreed on one candidate.<sup>1</sup>

The ordinance of 1268, by which the election of the Doge of Venice was put upon a new basis,<sup>2</sup> is cited in most works, especially by writers outside of Italy, as the earliest case of election by ballot in modern Europe. The reason for this is that in Venice the secret election continued down through the centuries, whereas in many of the communes its use was merely tentative and died out in some cases almost as soon as it was introduced. That the ballot was in use before 1268 is, however, indisputable. In the code of Vicenza for 1264 the election by ballot occupies a regular and well defined place and gives every evidence of having been in use for at least several years previous to the date of the code. The details of procedure as set forth in that code are not entirely clear; we are, nevertheless, sure that the election was a mixture of the lot and the ballot, in which the two processes are not exactly distinguished. Thus in the election of the Council of Elders (*Anziani*), the statute provides that there shall be twelve elders elected by two different processes. First, each of the masters of the eight guilds was to submit in writing to the Council of Forty the names of four good and true men from each guild, from whom eight, one from each guild, were to be chosen, "facto partito cum busolis ad ballotas." Second, eight electors were to be chosen by the council by lot, two for each quarter; these electors selected four worthy men from each quarter, and finally of these that one from each quarter was to be elder, "qui plures ballotas habuerit . . . facto partito modo predicto in

<sup>1</sup> This process is described in Gaetano, *Ordo Romanus*, c. II.—VII. in Mabillon, *Museum Italicum*, II. 247–250. For modern works on the subject see above, page 14, note 1.

<sup>2</sup> A description of this new form of election may be found in any of the histories of Venice; see, for instance, Daru, *Histoire de Venise*, I. 424 ff.; Romanin, *Storia Documentata di Venezia*, II. 289 ff. The main idea of the decree seems to have been to introduce a system of election so complicated that all possibility of corruption should be eliminated. Between the choice by lot of the first thirty electors and the final choice of the Doge, by ballot, nine stages had to be accomplished.

suprascripto consilio et Gastaldis."<sup>1</sup> The process of taking the vote is not described here, but in another statute of the same code some additional light is thrown upon this feature of the system. In the election of the chief magistrate of the city, the names of five candidates for the office of elector chosen from one of the quarters of the city were to be placed in five boxes, one name in each box: these boxes were to be carried around the assembly and ballots deposited in them; and the candidates whose names were in the two boxes having the largest number of ballots were to be declared elected. This process was to be repeated for each of the four quarters of the city and the eight men thus chosen were to act as electors of the *Podestà*.<sup>2</sup> From this description we are unable to determine definitely whether the members of the council knew what name was contained in each of the five boxes or merely cast their ballots haphazard; in other words whether the ballot was conscious or merely a matter of chance. From indications in the statutes of Padua, the immediate neighbor of Vicenza, we are enabled to fill this gap in our understanding of the process. In Padua, instead of passing the boxes around, they were set up upon a sort of rostrum, to which the members came in order to vote. The boxes were guarded by four tellers, who were strictly forbidden to talk to the voters except for the purpose of indicating in which box the name of a certain candidate had been placed.<sup>3</sup> This decree, passed about 1269 and reinforced by several others of about the same date,<sup>4</sup> serves to bring clearly to knowledge the system in use. Only one thing further could be done to keep the election as secret as possible, and that is to withhold the names of the candidates until the voting had actually begun. This was done in at least one town: in Parma in the election of the treasurers, the nominating committee was required to submit the names of candidates in writing; these names were to be kept secret until the election was about to begin, when they were published and the balloting began at once.<sup>5</sup>

The new system, once introduced, spread rapidly, as did all institutions in northern Italy, and by the end of the thirteenth century it had been adopted by nearly all the communes. The burghers seem, nevertheless, to have been able to keep up with the constitution-makers, for it is not long before stringent rules against such malpractices as interfering with the voters, repeating, and stuffing

<sup>1</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), pp. 72-73.

<sup>2</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), p. 80.

<sup>3</sup> " . . . qui nichil dicere debeant nisi nominando buxolis cujuslibet potestatis." *Statuti del Comune di Padova* (ed. A. Gloria), p. 7.

<sup>4</sup> *Stat. di Padova*, pp. 108, 109.

<sup>5</sup> *Stat. Com. Parm., Mon. Hist. Parm.*, II. 44.

the ballot-box had to be made.<sup>1</sup> Whether the communes would have found remedies for these evils we cannot say; the beginning of the fourteenth century marks the decadence of communal life, and with the disappearance of the freedom of the cities the problem of purity in elections also disappears.

Thus from a short study of the history of these communes we may learn that as far back as the thirteenth century men coped with many of the evils that we are fighting; and we are bound to admit that they settled many of them with no small credit to themselves.

ARTHUR M. WOLFSON.

<sup>1</sup> See for instance: *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (167-168); *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 59.

## MARYLAND'S ADOPTION OF THE FEDERAL CONSTITUTION

### I.

THE importance of Maryland's action in ratifying the Federal Constitution was fully appreciated at the time. Six states had already approved of the new form of government, when Maryland's convention met in April, 1788. The result was in grave doubt in South Carolina, Virginia and New York. New Hampshire's convention had adjourned, without taking final action. North Carolina and Rhode Island were avowedly opposed to changing to the new system. If Maryland refused to ratify, or if her convention adjourned without final action, the forces of Anti-Federalism in the doubtful states would be greatly encouraged and might even win the day. The people of Maryland felt that the eyes of all were on her, and aware of the importance of her course of action, ratified at once and by a decided vote.<sup>1</sup> Maryland had not been a state strongly inclined towards the Articles of Confederation and had held them back for two years, till she had become assured that the western lands would be used for the good of all. There had been full opportunity for discussion, and the well-informed people of the state did not disappoint those who watched anxiously for the decision. Madison wrote to Jefferson<sup>2</sup> on February 19, 1788, that "it is currently said Maryland will be one of the ratifying states. Mr. Chase and a few others will raise a considerable opposition. . . . But the weight of personal influence is on the side of the Constitution, and the present expectation is that the opposition will be outnumbered by a great majority." Two months later, on April 10, he wrote to Washington:<sup>3</sup> "The difference between even a postponement and adoption in Maryland may, in the nice balance of parties here (in Virginia), possibly give a fatal advantage to that which opposes the Constitution."

Washington had been hopeful of Maryland's action from the first. As early as November 5, 1787, he wrote Madison:<sup>4</sup> "So far as

<sup>1</sup> G. T. Curtis, *Const. Hist.*, 2d ed., I. 657.

<sup>2</sup> *Madison Papers*, I. 378.

<sup>3</sup> *Madison Papers*, I. 384.

<sup>4</sup> *Writings*, XI. 182 (Ford's edition). January 1, 1788, writing to Jefferson, he says he still thinks Maryland will ratify. *Writings*, XI. 202.

the sentiments of Maryland, with respect to the proposed Constitution, have come to my knowledge, they are strongly in favor of it. . . . Mr. Carroll, of Carrollton, and Mr. Thomas Johnson are declared friends of it." But he was keen to see danger from Maryland's wavering, and on the eve of the convention wrote Johnson<sup>1</sup> "that an adjournment, if attempted, of your convention to a later period than the decision of the question in this State (Virginia), will be tantamount to a rejection of the Constitution. I have good reasons for this opinion, and am told it is the blow, which the leading characters of the opposition in the next State have meditated, if it shall be found that a direct attack is not likely to succeed in yours. If this be true, it cannot be too much deprecated and guarded against." The postponement in New Hampshire had a bad effect on Virginia. "An event similar to this in Maryland would have the worst tendency imaginable; for undecision there would certainly have considerable influence upon South Carolina, the only other State which is to precede Virginia, and submits the question almost wholly to the determination of the latter."

When Maryland had decided firmly for the Constitution, Washington's last doubt as to its success was removed. He wrote Gouverneur Morris<sup>2</sup> of the situation in Virginia: "I have not at any moment despaired of this State's acceptance of the new Constitution, since the ratification of Maryland by so large and decided a majority." To Benjamin Lincoln<sup>3</sup> he expressed the opinion that Maryland's decision would tend to fix in favor of the Constitution many before undecided and even reluctant delegates who depended on Maryland's decision to confirm their opinion. It has been "strongly insisted upon by the opponents in the lower and back counties," in Virginia, that "Maryland would reject it by a large majority," but this claim had proven false. In his joy, Washington<sup>4</sup> said to Daniel of St. Thomas Jenifer: "Seven affirmative without a negative would almost convert the unerring (*sic*) sister. The fiat of your convention will most assuredly raise the edifice." With Maryland came to the support of the new frame of government a majority of the thirteen states and a great majority of their free inhabitants.

Despite the importance of this portion of Maryland's history, its narrative has never been fully told and has been frequently misunderstood.<sup>5</sup> We will now attempt to give as complete an account as we may from the available sources.

<sup>1</sup> *Writings*, XI. 244.

<sup>2</sup> *Writings*, XI. 240, May 2, 1788.

<sup>3</sup> *Writings*, XI. 261.

<sup>4</sup> April 27, 1788. Bancroft, *Hist. of the Const.*, II. 284.

<sup>5</sup> Vide Miss Rowland's *Carroll of Carrollton*.



Maryland had strong Federal and national leanings. Though she had been last of the states to accept the Articles of Confederation, her delay had really been in the interest of a true national spirit. She voted cheerfully to comply with the Act of Congress of April 18, 1783, and voted to grant the five per cent. duty asked for, in case eleven other states should do the same. She also voted to grant ten shillings on every £100 of property for twenty-five years, as her proportion of the internal fund required by Congress.

We all remember the memorable meeting of the commissioners from Maryland and Virginia at Mt. Vernon, and their deliberations over the respective rights of the two states in the waters of the Potomac and Chesapeake.

The fact is also well known that the state of Maryland was not represented at the meeting of commissioners from all the states at Annapolis in 1786. This fact is often mentioned to Maryland's discredit, as if due to a lack of national spirit or to quarrelling factions in her legislature, but there is another possible view which should not be overlooked. On March 13, 1786, Daniel Carroll,<sup>1</sup> a strong Federalist, wrote a private letter to James Madison, in which he attributed the failure to appoint delegates to an over-caution in behalf of the Union, rather than to disinclination towards a more perfect one. The General Assembly was about to adjourn after a session of four months, when the proposition from the Virginia Assembly for a meeting of commissioners to adjust a general commercial system reached Annapolis. The House of Delegates proposed to elect commissioners, but the Senate feared that the measure would "have a tendency to weaken the authority of Congress on which the *Union* and, consequently, the Liberty and Safety of all the States depends."

They recognized that the measure was adopted by the Virginia Assembly with the best intentions, but they had "just received the Act of Congress of the 15th of February last, by which it appears that Body relies *solely* on the States complying with the Act of the 18th of April, 1783," and they feared that "the idea of commissioners, meeting from all the States on the regulation of Trade, will retard the Act of Congress from being carried into execution, if not entirely destroy it." These timorous Union men thought that "the reluctant States" would be "very willing to lay hold of any thing which will procrastinate that measure," and that "sound policy, if not the spirit of the Confederation, dictates that all matters of a general tendency should be [considered?] in the representative Body of the whole, or under its authority." These views help to show

<sup>1</sup> Carroll's letters are among the Madison Papers in the Department of State.

us why the Federalists were so careful to gain the formal sanction of Congress for every step they took.

At the winter session of 1786, the General Assembly received a letter from the governor of Virginia,<sup>1</sup> dated December 1, suggesting that a convention for amending the Articles of Confederation be held at Philadelphia in the next May. The House of Delegates, on December 21, considered the letter and voted in favor of choosing seven deputies by joint ballot of two houses. The Senate, on the same day, cheerfully acceded to this proposition, and asked for a joint conference, as the subject required the united wisdom of the legislature. They say: "This measure appears to us to be of the utmost importance and most likely, with the least delay, to vest in federal government those powers, which are so necessary to give strength and stability to the union. As the deputies must be clothed with ample authority, we think it would be proper previously to their appointment to determine in a conference of both houses the nature and extent of their power."

The House of Delegates appointed Thomas Johnson, John H. Stone, Samuel Chase, William Paca and Robert Wright on the committee and they met Thomas Stone, Charles Carroll of Carrollton and William Hemsley from the Senate. On January 1, 1787, the conferees reported as follows: "It is agreed that the deputies appointed by this State, or any three or more of them, be authorised on behalf of this State to meet such deputies as may be appointed and authorised by the other States to assemble in convention at Philadelphia, for the purpose of revising the federal system, and to join with them in considering such alterations and further provisions, as may be necessary to render the Federal Constitution adequate to the exigences of the union, and, in reporting such an act for that purpose to the United States in Congress as, when agreed to by them and fully confirmed by the several States, will effectually provide for the same;" and "that the proceedings of the deputies, and any act agreed to in the said convention, be reported by the deputies to the next session of Assembly."<sup>2</sup> No delegates seem to have been chosen until April, when R. Hanson Harrison, Charles Carroll of Carrollton, Thomas Stone, James McHenry and Thomas Sim Lee were chosen. As four of these did not accept the position, Luther Martin, John Francis Mercer, Daniel of St. Thomas Jenifer and Daniel Carroll were chosen to fill vacancies on May 22. Three days later the Assembly voted to pay them, as delegates in Congress were paid.

<sup>1</sup> *Md. Gazette*, February 22, 1787.

<sup>2</sup> The act as finally passed on May 26, 1787, is printed in *Documentary History of the Constitution*, I. 25, 26. Only McHenry accepted, of the list first elected.

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While the Convention was meeting in Philadelphia, considerable interest began to be shown in the matter in Maryland. There were three newspapers in the state: one in Annapolis and two in Baltimore town. The former, the *Gazette*, paid but little attention to national politics and was much more concerned with a controversy between Gabriel Duval, Jenifer, and Stone over the management of the intendant's office, or with the refusal of the Senate to pass the truck bill. It does inform us<sup>1</sup> that, in April 1787, the grand jury of St. Mary's County said in its report that: "A cheerful co-operation with our sister States at the ensuing Federal Convention will restore public credit and give the United States of America a rank and consequence in Europe that will be admired by all such as have witnessed the past exertions of patriotism and virtue which so eminently distinguished our glorious revolution." But such bits of information are rare in its sober and quiet columns. The general tone of its few references to such matters is Federalist, though it is worried by the secrecy of the Convention.<sup>2</sup> It reprints James Wilson's great speech at Philadelphia and has a letter from "A Federalist," suggesting that there is danger that the people will elect uneducated men to the ratifying convention and that it would be better to have the Senate, or a body of electors, appoint the members.<sup>3</sup> The Baltimore papers, the *Maryland Journal* and the *Maryland Gazette and Baltimore Advertiser*, are filled with articles on the question. Both papers seemed to lean to the Federalist side, though they printed articles on both sides most impartially. The amount of space given to the subject is extraordinary and the number of articles reprinted from journals in other states shows that there is an intention to give the people the best arguments that can anywhere be found. Often we find a series of articles occupying one entire side of the paper and continued through five or six numbers. The *Maryland Journal* begins reprinting<sup>4</sup> articles on the question as early as April 1787, but original articles from the pen of "Publicola," "Aristides," "Caution," and other local worthies do not appear before the summer. With true journalistic enterprise, the text of the proposed constitution, in its entirety, is given to the readers and occasional new items appear, as to the progress of ratification<sup>5</sup> in the other states. As early as July, Federalist writers are suggesting that the Confederation was merely a tent and that what was wanted in the new Constitution was a castle of durable materials.<sup>6</sup>

<sup>1</sup> *Md. Gazette*, April 26, 1787.

<sup>2</sup> *Md. Gazette*, July 5, 1787.

<sup>3</sup> *Md. Gazette*, October 4, 9, 11, 25, November 8, 22, 1787.

<sup>4</sup> *Md. Journal*, April 17, June 5, September, 1787.

<sup>5</sup> *Md. Journal*, September 25, June 15, October 2, 1787. The *Gazette* (Baltimore) prints Paterson's New Jersey resolves on February 15, 1788.

<sup>6</sup> *Md. Journal*, July 3, 1787.

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The autumn election for members of the legislature drew near and the Federalists felt that a set of men should be chosen favorable to calling a state convention. Samuel Chase was a candidate for the legislature from Baltimore town and it had been charged that he said a convention was in every respect improper.<sup>1</sup> The day after the charge was made, Chase delivered an address to a "numerous and respectable body of citizens" at the court-house.<sup>2</sup> In this, he said that the proposed Constitution of the United States would modify the constitution of Maryland and hence the legislature must act on it in the same way as on any other constitutional amendment, namely, by passing the measure at two successive sessions. He asserted that he was not opposed to the Union, but had always maintained the necessity of it and "the increase of powers in Congress." "I think," he said, "the federal government must be greatly altered. I have not formed my opinion, whether the plan proposed ought to be accepted, as it stands, without any amendment or alteration. The subject is very momentous and involves the greatest consequences. If elected, I will vote for and use my endeavors to procure a recommendation by the Legislature to call a convention, as soon as it can conveniently be done, unless otherwise directed by this town." The next day, he sent a note to the journal, stating that he meant to advocate the call of a convention "to consider and decide upon the Constitution proposed by the late Convention for the United States and to appoint the election of delegates to the Convention, as soon as the convenience of the people will permit. I further beg leave to add as my opinion, that the election of delegates to the Convention ought to be as early in the spring as may be."<sup>3</sup>

Chase had the largest vote cast in Baltimore town in the week following and he and his associates polled three-fourths of the votes cast. As Baltimore town was strongly in favor of the Constitution, there is no doubt that his letter and speech had much to do with his majority.<sup>4</sup> His influence was great in the state and, in the previous decade, had done much towards inducing Maryland to declare her independence. He used that influence in a measure against the Constitution. On October 11 the *Journal* published an open letter<sup>5</sup> written by him and signed "Caution." It was addressed to the

<sup>1</sup> *Md. Journal*, September 25, 1787.

<sup>2</sup> *Md. Journal*, September 28, 1787. Ford, *Essays on the Constitution*, p. 325. *Md. Gazette* (Baltimore), September 28. There was no submission to the people of amendments to the Maryland Constitution of 1776.

<sup>3</sup> *Md. Journal*, October 5, 1787.

<sup>4</sup> D. Carroll's letter to J. Madison, October 28, 1787.

<sup>5</sup> Ford, *Essays on the Constitution*, p. 327. Reprinted in the *Md. Gazette* (Baltimore) of October 16.

"Inhabitants of Baltimore Town" and informed them that "an attempt to surprise you into any public measure ought to meet your indignation and contempt." After this rather mysterious statement, he went on to tell the citizens that "determinations that involve the future felicity of a whole people ought not to be taken before the most mature and deliberate consideration and a free and full examination of the subject and all its consequences." There had been a petition circulated, urging the legislature to call a ratifying convention, and "Caution" opposes this, if coupled with "your entire approbation of the New Federal Constitution and your desire that it should be adopted and confirmed by this State, as it now stands, without any amendment or alteration." We see here the beginning of that policy of conditional ratification, on which the Anti-Federalists will insist. Chase tells the people that this petition intends to "draw you into a declaration in favor of the whole system and to bind you hereafter to support it, which you must do, or allege deception or surprise." There will be a convention called without the petition and opinion should be held in abeyance concerning this Constitution. There will be at least three months before the need for a decision. Both sides should be heard in so momentous a question and the motives of any who advise haste may be suspected.

Chase had been in favor of the truck bill, which was one of the many anti-creditor movements of the day,<sup>1</sup> and it had already been charged that he was against the new government because its establishment would leave him and his adherents in irrecoverable ruin. The letter signed "Caution" seemed to some to prove that Chase was insincere. "A Friend to the Constitution," who probably was Daniel Carroll, answered him in the *Journal*<sup>2</sup> for October 16. This letter states that the convention to be called will be one to ratify, not one to "propose amendments or alterations." It urges the signing of the petition,<sup>3</sup> that the legislature may "have the authority of the largest and most promising and manufacturing town in the State to countenance so important a recommendation." The petition is proper, because the Constitution does meet the approbation of the people and because what is needed is to have a convention called "to confirm and ratify." The petition is "necessary at this time, because wanted as an inducement to the legislature to call upon the people to appoint" such a convention. Baltimore is so peculiarly interested in the speedy adoption of the Constitution, that there should be no opposition there.

<sup>1</sup> *Md. Gazette* (Baltimore), September 28, 1787.

<sup>2</sup> Ford, *Essays on the Constitution*, p. 331.

<sup>3</sup> The petition was presented to the House of Delegates on December 1.

During October and November we find numerous articles<sup>1</sup> in the Baltimore papers. In addition to attacks on the Constitution by "Democratic Federalist" and "Centinel," and defenses by "Uncus" and a "Friend to Order," we have a local controversy as to whether Chase and McMechen, the town's delegates, should be instructed to vote for a convention, or left to their discretion in the matter.

Intense interest was manifested in the result in other states. When the Assembly met and summoned the delegates to the Philadelphia Convention before it the Federalists praised warmly Dr. McHenry's speech, while the *Gazette*, with great journalistic enterprise, printed the full text of Martin's argument, running it through several numbers. Daniel Carroll had written to Madison on October 28 that all was going well, and his opinion seems to have been correct, though he made a mistaken prophecy about Chase, thinking that if he was chosen to a convention, he would be "bound to vote to ratify the proposed foederal government, the impression in Baltimore being strong and general in favor of it."

As soon as it was determined that a convention would be called there was discussion as to who should compose it. "A Marylander"<sup>2</sup> writes on the importance of choosing the proper men. The convention should be made impartial, by rejecting salaried officers, senators, assembly-men, and considerable holders of public certificates, that a majority of the members may not be reproached with having consulted pecuniary interests, or the preservation of personal influence more than public good. It was asserted by "many red-hot Whigs" that the Tories and non-jurors were in favor of the Constitution from an aversion to republican government, and, therefore, no non-juror should be chosen "unless generally admitted as uncommonly well versed in the principles of government." Party violence should be avoided; the majority of the people should remember that they are "too enveloped in their occupations to analyze the complicated form of government."

In the legislature, the Senate had received a message on November 24 from the governor concerning the Federal Convention. The message was referred to a committee composed of George

<sup>1</sup> *Journal*: "Centinel," October 30, November 2, November 6; "Federalist," November 9, 30; "Uncus," December 7; "Member of House of Delegates," December 21; reprint of R. H. Lee's and Geo. Mason's Anti-Federal arguments, December 25. *Gazette*: "American Citizen," and reprints of Federal arguments from Oswald's *Independent Gazetteer* in October 5, 9, 12, November 2; "Democratic Federalist," October 26; "Watchman," October 30; "Friend to Order," October 30; "Old Whig," November 2; Anonymous, November 6, 16; "Old Man," November 20.

<sup>2</sup> *Gazette*, December 4, 1787.



Gale, Charles Carroll of Carrollton, John Hall, and Daniel Carroll. Two days later, they reported in favor of holding a convention in March next, for the "assent and ratification" of the proposed Constitution. The resolutions in full are as follows:

"Whereas the deputies lately appointed by the several State Legislatures to meet in convention at Philadelphia, for the purpose of revising the federal system and considering of such alterations and provisions as might be necessary to render the federal constitution adequate to the exigencies of the Union, have reported a constitution for the future government of the United States, which, by an unanimous resolve of Congress, has been transmitted to the legislature of this State, in order to be submitted to a convention of delegates chosen by the people, and this legislature, approving of the opinion of the said convention, that the proposed constitution shall be submitted to a convention of the people chosen in each State by the people thereof, for their assent and ratification,

"Therefore, Resolved that it be recommended to the people of this State to submit the constitution, proposed by the said federal convention to a convention of delegates, for their assent and ratification.

"Resolved: that it be recommended to each county, city, and town in this State to elect the same number of delegates to serve in convention that they are represented by in the most numerous branch of the legislature.

"Resolved: that the qualifications of delegates to the convention and their electors, as to age, residence, and property be respectively the same with those required by the law and constitution of this State for members of the House of Delegates.

"Resolved, that the election of delegates be holden the third Wednesday of January next, at the several places fixed by law for holding the elections for delegates in the General Assembly, and that it be conducted by the same officers, in the same manner, and in the same time.

"Resolved, that the sheriffs and other returning officers in the counties give public notice, by advertisement fifteen days before the election, of the time and purposes for which the election is to be held.

"Resolved, that the delegates so chosen meet at the city of Annapolis on the first Monday in March next and if they assent and ratify the proposed Constitution, that they give notice thereof to the United States in Congress assembled."

On the next day the House of Delegates adopted a different series of resolutions, calling a "convention of the people for their full and free investigation and decision." Their resolutions are less strongly Federal in tone and show the influence of Chase and his friends. They postponed the date of the convention until April 21, which postponement was regarded as unfriendly to the Constitution. The House resolves in full were as follows:<sup>1</sup>

"Resolved, that it be recommended to the people of this State to submit the proceedings of the federal convention, transmitted to the General Assembly through the medium of Congress, to a convention of the people for their full and free investigation and decision.

<sup>1</sup> *Gazette*, December 6, 1787.

“Resolved, that it be recommended to such of the inhabitants of this State as are entitled to vote for delegates in the General Assembly, to meet in their respective counties, the city of Annapolis, and Baltimore town, on the first Monday in April next, at the several places fixed by law for holding the annual elections, to choose four persons for each county, two for the city of Annapolis and two for Baltimore town, to serve in the State convention for the purpose of taking under consideration the proposed plan of government of the United States and that the said elections be conducted agreeably to the mode and conformably with the general rules and regulations prescribed for electing members to serve in the House of Delegates.

“Resolved, that the delegates to be elected to serve in the State Convention shall, at the time of election, be citizens of the State and actually residing therein for three years next preceding the election, residents of the county where they shall be elected twelve months next preceding the convention, and be twenty-one years of age.

“Resolved, that the sheriffs of the respective counties, the mayor, recorder and aldermen or any three of them in the city of Annapolis, and the commissioners of Baltimore town, or any three of them, shall and they are hereby required to give immediate notice by advertisement to the people of the counties, city of Annapolis, and Baltimore town, of the time, place, and purpose of the elections as aforesaid.

“Resolved, that the persons so elected to serve in the said convention do assemble on Monday the twenty-first day of April next at the city of Annapolis and may adjourn from day to day, as occasion may require, and that the same delegates, so assembled, do then and there take into consideration the aforesaid constitution and, if approved of by them or a majority of them, finally to ratify the same, in behalf and on the part of this State and make reports thereof to the United States in Congress assembled.

“Resolved, that the delegates to be elected for Baltimore be residents of the said town and the delegates to be elected for Baltimore County be residents of the said county out of the limits of Baltimore town.”

These resolves had been introduced by Mr. Key on the 24th, and had been carried by small majorities, the vote on the postponement of the convention being 24 to 23, and that for inserting the words “a majority of them,” so that the convention need not be unanimous in its approval of the Constitution, being 28 to 21. On December 1, the Senate agreed to the House resolutions, so as not to prolong the session, and an adjournment followed the next week. It was determined to print two thousand copies of the proceedings of the Federal Convention and resolves of the Assembly and to send them throughout the State, while three hundred copies of a German translation should be made by the printer in Frederick town and distributed through Frederick, Washington and Baltimore Counties.

On November 23 the House, by a vote of 28 to 22, decided to ask the delegates to Philadelphia to come before it on the 29th and report on their work. Mercer did not come, but the other four were present and spoke. We have no report of the speeches of the

three Federalist delegates, but Luther Martin, the only Anti-Federalist, has left us a complete record.<sup>1</sup> He regretted the secrecy of the Convention, as it prevented him from corresponding with friends about the proposed features. He felt that it was the object of Virginia and the other large states to increase their power by the new Constitution. He gave an account of the proceedings and criticized the Convention's work severely, charging Washington and Franklin with advocating the Constitution because of the increased power given to Virginia, Pennsylvania and Massachusetts. The Federalists laughed at this story of a conspiracy founded by those two statesmen "to subvert the liberties of the United States." The *Maryland Gazette and Baltimore Advertiser*, which had printed Martin's address, prints attacks on it by "A Federalist"<sup>2</sup> and "An American,"<sup>3</sup> and reprints Dickinson's *New Roof*.<sup>4</sup> The conduct of Pennsylvania is closely watched and praised or blamed, as the writers are Federalists or not.<sup>5</sup> The approval by Connecticut encourages the former party,<sup>6</sup> and there is much interest in the attitude of Massachusetts.<sup>7</sup> News comes of Georgia's ratification and wild rumors of a plot in New York to purchase the Anti-Federalists.<sup>8</sup> Open letters addressed to prominent persons appear. "An American" writes to Richard Henry Lee to urge on him arguments in favor of the Constitution.

The *Gazette* prints the resolves introduced into the Federal Convention<sup>9</sup> by Paterson of New Jersey and is criticized for not stating at the time, that Paterson finally signed the Constitution and was one of its supporters.<sup>10</sup> The Annapolis paper arouses itself from its somnolence only once,<sup>11</sup> when "An Annapolitan" endeavors to convince the citizens of the ancient city that they will gain rather than lose by the adoption of the Federal Constitution. He thinks there is a majority for the Constitution in the state, but says that in

<sup>1</sup> *Gazette*, December 28, 1787; January 1, 4, 8, 11, 15, 18, 22, 29, 1788; February 1, 5, 8. The speech was said to have been taken down by a "Customer," but the Federalists (January 1, 1788) maintained that it was written out by Martin himself. See also January 29, for Martin's letter to Thomas Cockey Deye.

<sup>2</sup> January 11, 1788.

<sup>3</sup> January 22, 1788.

<sup>4</sup> January 15, 1788. In the same number is a brief note by "Caveto" on the dangers of arbitrary government; see also February 5.

<sup>5</sup> Vide *Gazette*, January 4, 18, 22, 25, 29, February 1, 19, 1788.

<sup>6</sup> *Gazette*, January 25, 29.

<sup>7</sup> *Gazette*, January 18, 29, 1788.

<sup>8</sup> February 5, 19, 1788.

<sup>9</sup> *Gazette*, February 8, 12. February 8, Federal letter from Gentleman of Kentucky.

<sup>10</sup> *Gazette*, February 15, 19.

<sup>11</sup> January 31, 1788.

every county there are men "exerting their whole power and putting every engine in motion to defeat, as they allege, the deep concerted scheme of a few aspiring, wealthy, and well born." He points out that the new government cannot become an aristocracy, because the people will control it. There will be left to Maryland the control of enough internal matters to take the time of the General Assembly and, as the federal government will probably establish a court at each state capital, there will be two courts at Annapolis. Nay, even the seat of the federal government may be placed there.

During these early months of 1788, the most important publication on the Federalist side is the pamphlet<sup>1</sup> written by the learned jurist, Alexander Contee Hanson, and published under the *nom de guerre* of "Aristides." He entitles it: "*Remarks on the Proposed Plan of Federal Government, Addressed to the Citizens of the United States of America and particularly to the People of Maryland.*" It is an octavo pamphlet, printed at Annapolis, and contains forty-two pages. It is dedicated to Washington and bears on its title-page the following quotation from Montesquieu's *Spirit of the Laws*: "As a confederate government is composed of petty republics, it enjoys the internal happiness of each; and with regard to its external situation, by means of the association, it possesses all the advantages of extensive monarchies." He discusses the three departments of government and defends the provisions of the Constitution with respect to them all. He takes the judiciary power in too narrow a sense, thinking there can be no appeal from a state court to a federal one. He shows that the pretension of North Carolina and Georgia to the West can now be tried in a federal court. The need of a bill of rights is denied.<sup>2</sup> A warm eulogy on the Convention and the plan of a confederated republic is given and this is favorably contrasted with a league and with jarring states. Under the Union, Maryland will gain foreign respect and will no longer be a "poor member of a defenceless system of petty republics." The plan of the new government is not for the rich, but it will be for all "the happiest form of government which the sun ever beheld." Many

<sup>1</sup> Advertised in *Maryland Gazette* for January 10 and 31, 1788, to be sold at 2/9 or 3/8 to cover cost of printing. Reprinted by P. L. Ford in *Pamphlets on the Constitution*, pp. 217 to 257.

<sup>2</sup> On this point "A Farmer" attacks him in *Maryland Gazette* (Baltimore) of February 15. In a letter to the *Maryland Journal* of April 22, "Aristides" asserts that Mr. Robert H. Hanson and Mr. Robert Goldsborough agree with him that the state and federal courts have concurrent jurisdiction, that Congress will determine in what civil cases a jury trial will be allowed, and that every judge may pass on the constitutionality of acts of Congress. He also denies that he is acting through personal ambition, as "Farmer" had declared.

of the foes to the Constitution are paper-money men, whose plans Maryland has just rejected. "Should Heaven in its wrath inflict blindness on the people of America," he cries, "should they reject this fair offer of permanent safety and happiness, to predict what species of government shall at last spring from disorder is beyond the short reach of political foresight." Noah Webster well said of the work, "These remarks are not at all original, but they are very judicious, calculated to remove objections to the proposed plan of government."

The work of the Federalists was so successful that, on February 10, Daniel Carroll wrote to Madison that the plan of the Anti-Federalists was no longer to try to have the proposed Constitution rejected by the convention, but to adjourn its sessions, till Virginia's convention has acted. They will probably fail in this, though some of their publications give strong proofs of a great degree of activity prevailing. On the other hand, Carroll thinks that a few of the federal publications said certain things concerning the conduct of individuals which might better have been omitted. They had been insisting that the Constitution be adopted "with all its faults," as it is "as little exceptionable as anything of the kind that ever came under" their notice. Their expectation was confident that amendments would be made in such parts as would require it.<sup>1</sup> Sentiments that the "new constitution is pregnant with despotism and even that it is dreadful to liberty" have been "chiefly propagated in Maryland by men, whose interests would be deeply affected by any change of government, especially for the better, and those, to whose embarrassed circumstances regularity and order would be exceedingly inconvenient." The independent electors were informed by "Civis" that the Federal Convention was an "august assembly, consisting of men of the most distinguished abilities, integrity," and virtue<sup>2</sup> and that it produced a "system universally admired by those of impartial political erudition and which, upon candid examination by the independent and well affected, is found to be fully calculated to promote the liberty, happiness, and prosperity of all the States in the Union." The papers now are filled with advice to electors, as to whom they should choose as delegates to the convention. They should avoid choosing members of the Assembly,<sup>3</sup> should be "cautious and circumspect" to select men of "property, character, and abilities." These "have too much retired from public employment," since the end of

<sup>1</sup> *Maryland Journal*, January 8, 1788.

<sup>2</sup> *Maryland Journal*, February 1, 1788; *Maryland Gazette*, February 12.

<sup>3</sup> *Gazette*, January 4, 1788.

the war, but it is hoped that they may now "step forth with a true patriotic ardor and snatch their dear country from the dreadful and devouring jaws of anarchy and ruin." The Federalists were urged to keep out of the list of delegates persons in desperate or embarrassed circumstances, advocates of paper-money, the truck bill, or the insolvent act, and those who may expect to escape in a general ruin of the country. "A Clergyman"<sup>1</sup> writes to the country people of Maryland, defending the Federal Convention, and showing that the outlook is gloomy, if this Constitution is not adopted, and that France and other nations may claim part of our soil, to pay the debt we owe them, if we remain without union.

Sometimes the writers were even inspired to burst forth into rhyme. A poem entitled "The Raising for Federal Mechanics" described the erection of the new building and ended thus:<sup>2</sup>

"Huzza, my brave Boys our work is complete,  
The world shall admire Columbia's fair seat;  
Its strength against Tempest and Time shall be proof,  
And thousands shall come to dwell under our Roof;  
Whilst we drain the deep Bowl, our Toast still shall be  
Our Government firm and our Citizens Free."

The Anti-Federalists were no less rhythmical and call the new structure a composite temple.<sup>3</sup>

"All such important high pretensions  
Weigh well, ye ensuing State Conventions,  
Which should you find or just, or wise,  
Smoothed o'er by no deceitful guise,  
But wholesome, virtuous, and true,  
From you they claim attention due.  
But selfish should they prove, or vain,  
Subverting concords sacred fane,  
Diffusing anarchy and strife,  
Those Baneful Pests of social life,  
Reject the whole impious band,  
Ere discord curse the guilty land."

Sorry enough doggerel it may be, but it shows the bent of men's minds. Luther Martin led the Anti-Federalist forces and followed the narrative of his interview in the legislature with a series of letters addressed to William Goddard, editor of the *Journal*, in answer to the popular series, written by Oliver Ellsworth of Connecticut under the *nom de guerre* of "Land Holder."<sup>4</sup> "Land Holder" answered some of these letters and Martin again replied. In the

<sup>1</sup> *Gazette*, February 12, 1788.

<sup>2</sup> *Gazette*, February 19, 1788.

<sup>3</sup> Poem dated at Bladensburg in *Journal* for February 15. The *Gazette* for March 4 has another poem, *The Federal Ship*.

<sup>4</sup> Reprinted in Ford, *Essays on the Constitution*, pp. 341, 344, 353, 360, 371, 378. *Md. Journal*, January 18, February 29, March 7, 18, 21, 28, April 14, 1788.



course of his letter, Martin attacks "Aristides" and says there is scarcely an individual of common understanding in Maryland, who knows the new Constitution, and "doth not allow it to be in many instances extremely censurable and that a variety of amendments and alterations are essential to render it consistent with a reasonable security for the liberty of the respective States and their citizens." He attacks "Aristides'" interpretation of the federal judiciary and says, if it is so complex that even "Aristides" does not understand it, is it not too intricate a system for common people? If the Constitution is accepted unamended, the new form of government will render the people "mere beasts of the burden" and reduce "you to a level with your own slaves, with this aggravating distinction, that you once tasted the blessings of freedom." There is danger that state rights and those of individuals be subverted and that the state governments be annihilated. The people are warned to "delegate no greater power than is clearly and certainly necessary. To whomsoever power is given, not content with the actual deposit, they will ever strive to obtain an increase. . . . I consider it an incontrovertible truth that whatever, by the Constitution, government ever may do, if it relates to the abuse of power by acts tyrannical and oppressive, it sometime or other will do. . . . Peaceably, quietly, and orderly to give this system of slavery your negative is all that is asked by the advocates of freedom."

With such startling language did the great lawyer seek to alarm the people,<sup>1</sup> but his ideas met with only a partial acceptance. "Sidney" wrote to the working people of Maryland<sup>2</sup> that "we common people are more properly citizens of America, than any particular State," and "Hamden" earnestly exhorted<sup>3</sup> the people to adopt a "Constitution, superior perhaps to that of Great Britain," framed by an assembly of "so many eminent and learned personages, . . . men of candour, sense, and integrity, and also profound politicians." He especially defends the provisions concerning the executive<sup>4</sup> and declares that the Convention seem to have copied the British Constitution "as much as the nature of a republican<sup>5</sup> form of government and that of a limited monarchy would admit." "Paltry pirates annoy and harrass" our foreign trade and carry our citizens into slavery. Our public and private faith are coming to be regarded like those of the Carthaginians of old and yet this admirable

<sup>1</sup> "Grateful" attacks him with satire in *Baltimore Gazette*, February 15, 1788.

<sup>2</sup> *Journal*, February 29, 1788.

<sup>3</sup> *Journal*, March 14, 1788.

<sup>4</sup> Vide also *Gazette*, April 15.

<sup>5</sup> *Gazette*, March 11, "Countryman" queries whether the Constitution will override state laws.

union is opposed by "desperate men, lost to love of country," such as the advocates of paper-money, the truck bill, and the insolvent act.

"Aristides" continues his support of the Constitution in occasional letters, in one of which he again states that he does not think the federal courts can entertain a suit brought by a citizen against a state. He is attacked by "Farmer"<sup>1</sup> and defended by "Plebeian." The latter complains that there is too little general interest in the coming convention and urges the voters to elect and instruct their representatives, using vigilance to "inquire, with the strictest scrutiny, into the sentiments and abilities of those who solicit our favor." No countenance should be given any miscreant, who would "bribe your integrity by the savage-like allurements of a few barbecued sacrifices." This allusion seems to show that there was an absence of other forms of bribery in the politics of the day. "Plebeian" defends the provision for a standing army, and the omission of a bill of rights, and maintains that history cannot show a "model better calculated to support the cause of freedom and at the same time, diffuse an authoritative energy through every part of the political machine."<sup>2</sup>

In addition to the objections of the Anti-Federalists which we have mentioned,<sup>3</sup> they urged that the Senate would engross all powers of government and that Congress might make all Maryland ships enter at Georgetown and, therefore, the merchants would go to Norfolk, and Virginia would be benefitted at our expense. They also asserted that the postmaster-general had prohibited the sending of newspapers through the mails, that the people might not read Anti-Federal articles and that this prohibition was the first step in despotism.<sup>4</sup> The next will be the bridling and throttling of the press. "Farmer" in his able articles insists that the majority of the people wish a union of independent states and sneers at the Federalists as imitators of England.<sup>5</sup> He fears that trial by jury will be overturned by the federal government. Civil and religious liberty will be imperilled, aristocracy and even monarchy are to be feared; "Aristides" is wrong in the moderate view he holds of the power of the federal judiciary. "Neckar" supports "Farmer" and

<sup>1</sup> "Farmer" shows great knowledge of history and is particularly bitter on the standing army and the absence of a Bill of Rights. *Md. Journal*, March 4, 14, April 1. *Annapolis Gazette*, April 3, 1788. *Baltimore Gazette*, February 15, 29, March 4, 7.

<sup>2</sup> In *Gazette*, March 7 and April 4, 18. April 15 it reprints a letter by John Adams.

<sup>3</sup> February 26, the *Gazette* has an article by "Caveto" against arbitrary power.

<sup>4</sup> *Journal*, March 18, 1788, April 22.

<sup>5</sup> *Gazette*, March 18, 21, 25, 28, April 1, 4, 11, 15, 22, 25. March 7, "Betsy Cornstalk," and 18, "Hints for a public print," are melancholy examples of would-be funny articles on the constitutional struggle. April 11, long article in Biblical style comparing the people to Israelites in the Wilderness.

vigorously maintains that "every stipulation should be previous to adoption."<sup>1</sup> New advocates for the constitution enter the field. "A Countryman" writes to the "Country people of Maryland" that the federal taxation will be through excises, and therefore will be no burden. It will be raised from imported luxuries rather than from the landed interest.<sup>2</sup> There is no danger of tyranny, but there is of anarchy, unless America becomes united. "Real Federalists" say that the men opposed to the Constitution are desperate and that the majority of the House, who voted for the truck bill, were needy men. Such men, especially the insolvent debtors, should not be chosen members of the convention, for a man in debt is a slave to his creditor and is liable to be bribed.<sup>3</sup> Men of wealth, judges, senators and members of the Philadelphia Convention should be chosen.

We know little of the campaign in the counties. In Montgomery County John Mason of Virginia came over and made Anti-Federalist speeches in answer to Federalist ones made by William Dorsey, a lawyer.<sup>4</sup> The vote of the county was three to one in favor of the Federal candidates.

In Anne Arundel County<sup>5</sup> the powerful influence of the Carrolls and the Worthingtons was cast for ratification without amendment and no opposition appeared until a few days before the election. Then the opponents nominated Jeremiah T. Chase, John F. Mercer, who had been in the Federal Convention, and Benjamin Harrison. For a fourth candidate, they wished Governor Smallwood, but he was in Charles County and could not be reached in time. The name of Samuel Chase was then proposed, apparently without his knowledge. He came to Elkridge and Annapolis to speak against the Constitution. Through their vigorous efforts the Anti-Federalists carried the county. There was some criticism of Chase, who was still a member of the House of Delegates from the Federal town of Baltimore, for being chosen as an Anti-Federalist from one of the

<sup>1</sup> *Gazette*, March 25, April 11. "Insolvent" answers him sarcastically in *Journal* for April 1 and April 22 and attacks him for saying that the new government will not be responsible for the old debts.

<sup>2</sup> *Gazette*, March 4, April 4. "Tully" defends the Constitution, as does "Fabius" in April 22.

<sup>3</sup> March 21, 1788, *Journal*. *Vide* also April 4, 25.

<sup>4</sup> *Journal*, March 28, April 4.

<sup>5</sup> *Journal*, April 18. April 1, "Farmer and Planter" writes long Anti-Federal articles saying that loss of liberty is threatened, that the rich are for the Constitution and have nominated the four richest men in Anne Arundel County. He grumbles about the excise, says that under the Constitution people may have to go to Georgia to vote for representatives and, if they refuse to pay the odious federal poll tax, the militia of Philadelphia, Boston, etc., may come and ravage the country.

counties.<sup>1</sup> His friends answered that he had never disclosed his sentiments, till he moved and carried in the House of Delegates the resolution to recommend the people to submit the proceedings of the Federal Convention to a state convention for their full and free investigation and decision. They maintained that the so-called Anti-Federalists were the true Federalists, and that the so-called Federalists were really Nationalists. One of the clergymen in the Baltimore presbytery had even gone so far as to say that "the sooner the state governments were abolished the better."

Washington County, in the extreme west of the state, was overwhelmingly Federal and "if there had been a respectable opposition," the Federal vote would have been more than doubled, "as the inhabitants were in readiness in the remotest parts," but the unanimity of the centre of the county rendered a larger Federal vote unnecessary.

Harford and Baltimore Counties each elected four Anti-Federalists. Every other county sent a solid Federal delegation. There were, therefore, only twelve Anti-Federalists in the convention, although some of the rest were in favor of compromises. It had been thought at first that the opposition would be larger and it was even rumored that twenty-five Anti-Federalists had been chosen.<sup>2</sup>

Concerning the campaign in Baltimore town, where two delegates were chosen, and Baltimore County, which sent four delegates, we have the fullest details. The Federalists were at work betimes. They urged the freemen of Baltimore town to choose two pledged men,<sup>3</sup> preferably members of the Federal Convention. Conditional ratification is deprecated since this in fact "amounts to an entire rejection of the whole, because there is no provision made for taking up such a proposal or rendering it of any effect. . . . We, who are Federalists, should vote for and support with all our might two able upright Federalists, whom we know to be decidedly Federal, upon the most permanent and fixed principles." Underhand dealing must be guarded against and Baltimore must not be permitted to be the only seaport to disgrace a convention by Anti-Federal representatives. A little later, "Decided Federalist"<sup>4</sup> complains of the supineness of Baltimore town and county. Probably

<sup>1</sup> *Gazette*, April 18, 22, 1788. Daniel Carroll writes to Madison, May 28, 1788, that Anne Arundel was supposed to be Federalist without opposition until four days before the election. Then J. T. Chase and Mercer signed and distributed a hand-bill which alarmed the people. Mercer made wild assertions such as that the French interest was with the promotion of the Federal Constitution and that the Philadelphia Convention wished trial by jury to be taken away. "Many repent their error."

<sup>2</sup> *Annapolis Gazette*, April 10, 1788.

<sup>3</sup> *Journal*, February 19.

<sup>4</sup> *Journal*, March 14, 1788.

not over one hundred will come in from the county to vote. It will be remembered that a man with property in both places had two votes. "A rich intriguing Anti-Federalist character" will send what delegates he pleases, by means of the numerous hands he employs and the inhabitants of the precincts, a knot always under his command. "Federalists should keep out all insolvents on the Black List. A certain man formerly attacked by the family most dipped in the Black List<sup>1</sup> now courts their interest. Let him declare for the Constitution and not be a trimmer. He is of extensive historical knowledge and general acquaintance throughout the continent." George Lux of Chatsworth answers this attack in a long letter, in which he states that he is the man "Decided Federalist" means.<sup>2</sup> He had been secretary to the foreign committee of Congress in 1777, when it met at Baltimore, and had proposed Annapolis as the permanent residence for Congress. Lux states that in the beginning a dozen freeholders, who favored the republican principle that one office was enough for any man, met and nominated John Cradock, Capt. Charles Ridgely of Wm., and George Lux.<sup>3</sup> For the fourth place Benjamin Nicholson or Thomas Jones was suggested. Lux opposed their nomination, as they were judges, and therefore interested in opposing any abridgment of state governments, though necessary to the Union. They finally agreed on Aquila Hall, as a lawyer who could judge of the advisability of adopting the article concerning the federal judiciary. Hall removed to Harford County, so James Gittings was nominated. Lux had not yielded to the influence of the Ridgelys, but wanted impartial representation and unpledged delegates. The ticket was so selected as to represent all parts of the county, geographically. Capt. Ridgely was against the Constitution. Lux said he wished for union and thought the good parts of the Constitution outweighed the bad ones. The compromise as to representation in Congress was a most "masterly one" of contending interests. At some future time, Lux wishes another general convention, but not now, because of the discordant views of the opposition. Another group of voters had nominated Harry Dorsey Gough, a pronounced Federalist, a non-juror during the war on account of his religious opinions, and an assembly-man,<sup>4</sup> Thomas

<sup>1</sup> The Ridgelys.

<sup>2</sup> *Journal*, March 25, 1788.

<sup>3</sup> In the *Gazette* for February 8, "A Farmer" says Lux, Cradock, and Ridgely of Wm. are too young to go to the convention. It were better to choose Deye, Charles Ridgely and two others about fifty years old. February 12, "A Marylander" tries to be impartial, says that Luther Martin goes too far, that no assembly-men should be elected to the convention and that Deye does not want election and should not be voted for.

<sup>4</sup> Lux says he was "too long estranged from public affairs and a party man."

Cockey Deye, and Charles Ridgely, cousin of the Captain. As election drew near,<sup>1</sup> the candidates realigned themselves, and Gough, Cradock, Gittings, and Lux appealed to the Federal voters. Lux objected to be pledged, saying a "six years old child can lisp yes," and so his name was withdrawn and that of John Eager Howard substituted. Deye also withdrew and the two Ridgelys with Col. Edward Cockey and Nathan Cromwell were the Anti-Federal candidates.

It was asserted at first, that the Federalists were elected,<sup>2</sup> but the final returns gave the Anti-Federalists a majority. On the face of the returns, Gough received 787, Cradock 774, Gittings 773, and Howard 771; while Charles Ridgely had only 682, Charles Ridgely of Wm. 678, Edward Cockey 645, and Nathan Cromwell 630. It was charged that at Dewitt's House, where there was a poll,<sup>3</sup> town men, some of them "apprentice boys, servants and slaves having no property in the world," voted Federal tickets, and the sheriff declared the Anti-Federalists elected by great majorities. On this election there is an interesting and curious article by "Solon" in the *Baltimore Gazette*.<sup>4</sup> He maintains that, with respect to the new Constitution, the people are in a state of nature, that the Constitution is adopted by "the people of the United States" and, therefore, Maryland's legislature has no right to dictate the method of election of delegates. A man should be allowed to vote for delegates to the state convention at the place where he happened to be on election day.

In Baltimore town,<sup>5</sup> the Federal victory was decisive. James McHenry, who had been in the Philadelphia Convention, and Dr. John Coulter were nominated by that party. The Federalists said there was "never greater unanimity" than in the election; McHenry and Coulter were not nominated until the second day of the election, but they obtained "the general suffrages of their fellow-citizens," because the people were "of the opinion that the ratification of the Constitution ought to precede any amendments and that it would be injurious to our common interests, to delay its ratification in the hope of obtaining them in any other manner than prescribed by the Constitution."<sup>6</sup> After the election, a procession

<sup>1</sup> *Journal*, April 4, 1788.

<sup>2</sup> *Gazette*, April 11, 1788.

<sup>3</sup> Held by a coroner and two justices of the peace. Legality of it attacked forcibly by "Casca" in *Gazette* of April 18. On negroes voting see letter by J. V. L. McMahon in *Baltimore Sun* for January 21, 1867.

<sup>4</sup> April 15, 1788; *vide* also the issue of April 25.

<sup>5</sup> *Gazette*, April 18, 25. "Publius to the great Majority of the Voters of Baltimore Town" writes Federal articles and attacks Chase.

<sup>6</sup> *Gazette*, April 11.



said to number one thousand people paraded through the town, preceded by the United States flag and a small decorated ship, the *Federalist*.<sup>1</sup> "Such was the mildness of our clime that during her whole voyage," writes the reporter, "she met not a single anti-federalist blast to ruffle her sails." In the procession were ship-builders, tradesmen, merchants and manufacturers.

The Anti-Federalists maintained that the commissioners permitted all freemen over twenty-one years of age to vote,<sup>2</sup> so that votes were cast by men who had not been a week in the town and by others who were not naturalized Americans, but were subjects of Great Britain and Ireland, France and Holland. They charged that there were other irregularities. The commissioners took no oath as judges of election, and adjourned the election when they desired. On Wednesday of the election, which lasted three days, many men, including foreign sailors and servants armed with bludgeons, took possession of the polls and prevented peaceable German citizens from voting. It was admitted that over 250 illegal votes were cast for Mr. Sterrett, Anti-Federalist candidate; but for McHenry, the Anti-Federalists asserted, nearly 800 fraudulent votes were polled. No contest, however, was made in the convention.

BERNARD C. STEINER.

(To be continued.)

MEMBERS OF THE CONVENTION OF MARYLAND WHICH RATIFIED THE FEDERAL CONSTITUTION, APRIL 21-29, 1788.<sup>3</sup>

<i>Members.</i>			<i>Opponents.</i>
ANNAPOLIS CITY.			
Judge Alexander Contee Hanson, Fed.			Unknown.
<i>Nicholas Carroll,</i>	"		
ANNE ARUNDEL COUNTY.			
Jeremiah Townley Chase,	Anti-Fed.	Charles Carroll of Carrollton, Fed.	
Samuel Chase (came Apr. 24),	"	James Carroll,	"
John Francis Mercer,	"	Brice Worthington,	"
Benjamin Harrison,	"	John Hall,	"
BALTIMORE COUNTY.			
	<i>Vote.</i>		<i>Vote.</i>
Edward Cockey (came April 24), Anti-Fed.,	639	Harry Dorsey Gough, Fed.,	192
Nathan Cromwell (came April 24),	" 629	James Gittings,	" 183
Charles Ridgely (came April 22),	" 676	John Eager Howard,	" 172
Charles Ridgely of William ("),	" 673	John Cradock,	" 171

<sup>1</sup> *Journal*, April 11.

<sup>2</sup> *Gazette*, April 15, 22. The claim was made that there were 1047 legal voters in the town, of which number 671 did not vote while 1053 illegal votes were cast.

<sup>3</sup> From the *Maryland Journal* of April 11, 15 and 18, 1788. Those whose names are printed in italics voted with the Anti-Federalists on the final vote to adjourn. An article in the *Baltimore Gazette* for May 9 states that only three gentlemen were chosen out of the county of their residence.

BALTIMORE TOWN.

	<i>Vote.</i>		<i>Vote.</i>
James McHenry (came April 22), Fed.,	962	Samuel Sterrett, Anti-Fed.,	385
John Coulter (came April 22), " 958		David McMechen, "	380

CALVERT COUNTY.

James Wilkinson, Fed.	Unknown.
Walter Smith, "	
Charles Graham, "	
John Chesley, Jr., "	

CAROLINE COUNTY.

Col. Wm. Richardson (came April 22), Fed.	Unknown.
Major Joseph Richardson (came April 22), "	
Matthew Driver (came April 22), "	
Peter Edmondson (came April 22), "	

CECIL COUNTY.

Joseph Gilpin, Fed.	Unknown.
Henry Hollingsworth, "	
Samuel Evans, "	
James Gordon Heron, "	

CHARLES COUNTY.

Gustavus Richard Brown, Fed.	Unknown.
John Parnham, "	
Zephaniah Turner, "	
Michael Jenifer Stone, "	

DORCHESTER COUNTY.

Robert Goldsborough, Sr., (absent.) <sup>1</sup> Fed.	Unknown.
Nicholas Hammond, "	
Daniel Sullivan, "	
James Shaw, "	

FREDERICK COUNTY.

Thomas Sim Lee (came April 22), Fed.	No opposition; county almost unanimously
Thomas Johnson, "	Federalist.
Richard Potts (came April 22), "	
Abraham Law, "	

HARFORD COUNTY.

William Paca (came April 24), Anti-Fed.	Unknown.
Luther Martin (came April 24), "	
John Love (came April 24), "	
William Pinkney (came April 23), "	

KENT COUNTY.

William Tilghman, Fed.	Unknown.
Donaldson Yates, "	
Isaac Perkins, "	
William Granger, "	

MONTGOMERY COUNTY.

	<i>Vote.</i>		<i>Vote.</i>
Thomas Cramphin (came April 24), Fed.,	896	Edward Burgess, Anti-Fed.,	313
Richard Thomas, "	895	Lawrence O'Neal, "	312
William Deakins, Jr., "	894	William Holmes, "	312
Benjamin Edwards, "	891	Henry Griffith, "	311

<sup>1</sup> Daniel Carroll writes Madison, April 28, that he was sick.

## PRINCE GEORGE'S COUNTY.

George Digges,	Fed.	Unknown.
Osborne Sprigg,	"	
Benjamin Hall,	"	
<i>Fielder Bowie,</i>	"	

## QUEEN ANNE'S COUNTY.

James Tilghman, 3rd. (came April 22),	Fed.	Unknown.
John Seney (came April 22),	"	
James Holliday (came April 22),	"	
William Hemsley (came April 24),	"	

## ST. MARY'S COUNTY.

George Plater,	Fed.	Unknown.
Col. Richard Barnes,	"	
Nicholas Lewis Sewall,	"	
Charles Chilton,	"	

## SOMERSET COUNTY.

George Gale (came April 22),	Fed.	Unknown.
Col. John Stewart (came April 22),	"	
Henry Waggaman (came April 22),	"	
Major John Gale (came April 22),	"	

## TALBOT COUNTY.

Jeremiah Baining (absent), <sup>1</sup>	Fed.	Unknown.
<i>Col. Edward Lloyd</i> (came April 22),	"	
Robert Goldsborough, Jr. (came April 24),	"	
John Stevens (came April 22),	"	

## WASHINGTON COUNTY.

	<i>Vote.</i>		<i>Vote.</i>
Col. Thomas Sprigg, Fed.,	657	Jacob Cellers, Anti-Fed.,	25
John Stull, " "		Jacob Funk, " "	24
Moses Rawlings, " "		Col. Andrew Bruce, " "	21
Henry Shryock, " "		Col. Norman Bruce, " "	14

## WORCESTER COUNTY.

<i>Peter Chaille,</i>	Fed.	Unknown.
<i>John Done,</i>	"	
William Morris,	"	
<i>James Martin,</i>	"	

<sup>1</sup> Daniel Carroll writes James Madison April 28, that he was sick.

## CONTEMPORARY OPINION OF THE VIRGINIA AND KENTUCKY RESOLUTIONS

### I.

THE right to complete freedom in the utterance of political opinions has been so long a fundamental principle in the United States that probably few Americans will recall the fact that exactly a hundred years ago the controversy which eventuated in the complete triumph of that principle raged all over the Union. The Virginia and Kentucky Resolutions of 1798, whatever their whole purpose, were designed primarily as a protest against the infringement of this principle by the recently enacted Alien and Sedition Laws. Incidentally they gave expression to a theory concerning the nature of the federal union which was of equal or perhaps greater significance than their protest against all interference with freedom of speech. It is singular that a controversy which involved an expression of opinion by the whole American people upon two questions of so much importance should have been treated by historians as this one has been. Enough and more than enough has been written about the authorship of the resolutions and their ultimate object; but little if any serious effort has been made to ascertain what the people of the United States thought about them. When Jonathan Elliot compiled his now celebrated *Debates* he was content as regards the Resolutions of 1798 and 1799 merely to reprint a pamphlet published in 1800 by direction of the Virginia legislature, adding the Kentucky Resolutions for both years. From this material one can learn next to nothing of the public sentiment in the two states which induced the passage of the resolutions and but little of the temper in which these resolutions were received in other states. None of the memorials addressed by the county courts to the two legislatures appear in the pages of Elliot; and of sentiment outside of Virginia and Kentucky one can judge only by the answers of the seven states<sup>1</sup> whose legislatures sent to the Virginia legislature replies disapproving of its resolutions. Believing that these seven replies are not sufficient to represent adequately the public opinion of the entire country, I have attempted to extract from con-

<sup>1</sup> Delaware, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire and Vermont.

temporary pamphlets and newspapers some account of such reported actions and expressions as will reveal the state of public opinion relative to the resolutions.

Prior to the meeting of the legislatures of Virginia and Kentucky, in 1798, a number of large public meetings, in both states, had denounced the recent measures of the federal government, and particularly the Alien and Sedition Laws. Most of these meetings drew up memorials on the subject and addressed them to the legislature of the state. A comparison of these memorials with the resolutions makes it plain that the passages in the resolutions which arraign the policy of the federal government merely epitomize the memorials on that point. But in respect to the remedy, some of the memorials use only vague and general expressions; others call upon the legislature to formulate the appropriate remedy and pledge the memorialists to accept it.<sup>1</sup> We are warranted, therefore, in concluding that the idea of the remedy which the resolutions put forward originated with their authors, and in brief with Jefferson.

Satisfied that the resolutions of 1798 represent the voice of Virginia and Kentucky in their protest, and the ideas of Thomas Jefferson in the remedy hinted at, let us see how they were regarded in the other states. Maryland, from its proximity, had the first opportunity to express an opinion upon the resolutions. The opportunity was not neglected; before the resolutions of Virginia were received and even before the probable action of that state could have been known at Annapolis, a committee of the House of Delegates was appointed to consider the resolutions of Kentucky. Four days after Virginia had passed her resolutions the report of this committee was agreed to by the House of Delegates by a vote of 58 to 14. This report is very brief and its dissent is expressed in vague and general terms: the resolutions of Kentucky are "highly improper, and ought not to be acceded to," for they "contain sentiments and opinions unwarranted by the Constitution of the United States, and the several acts of Congress to which they refer."<sup>2</sup>

<sup>1</sup> The Virginia memorials were from the following counties: Caroline (*The Genius of Liberty*, Morristown, N. J., January 10, 1799); Essex (*The Aurora*, December 7, 1798); Dinwiddie (*Greenleaf's New Daily Advertiser*, N. Y., December 8, 1798); Goochland (*The Observatory*, Richmond, August 27, 1798); Spottsylvania (*The Aurora*, November 20, 1798); Albemarle (*The Observatory*, Richmond, October 1, 1798); Orange (*The Aurora*, December 1, 1798). All these papers are in the library of Harvard University.

The Kentucky memorials were from county meetings in Woodford, Franklin, Bourbon, and Clarke counties, and town meetings at Lexington and Mount Sterling. All are in the *Palladium* (Wisc. Hist. Soc.) for August 9 to September 4, 1798, except that of Clarke county (*Kentucky Gazette*, August 1, 1798, H. U.).

<sup>2</sup> This report will appear in the next number of the REVIEW.

Soon after the Kentucky Resolutions had been thus disposed of the resolutions from Virginia were received and referred to a committee; the report of this committee is longer, more precise, and the proceedings upon it may be known in part.<sup>1</sup> The committee report that after most serious consideration and mature deliberation it is decidedly of the opinion that "a recommendation to repeal the Alien and Sedition Laws would be unwise and impolitic." An equally pointed negative is given to the remedy suggested by Virginia: "No State government by a Legislative act is competent to declare an act of the Federal Government unconstitutional and void, it being an improper interference with that jurisdiction which is exclusively vested in the Courts of the United States." The result of this reasoning is a resolution which differs from the report in only one particular, but that an important one; the resolution omits the declaration contained in the report that the power to pronounce an act of federal legislation unconstitutional and void belongs exclusively to the federal courts. It is therefore only a rejection of the Virginia remedy, not an assertion of a more appropriate one. Unfortunately the debates upon this report and resolution have not been preserved, but the proceedings so far as recorded are worthy of consideration. Prior to the final vote upon the report and resolution five votes were taken upon questions involving some portions of the whole; two of these presented only the question of the expediency of the Alien and Sedition Laws; the other three dealt with the remedy suggested by Virginia. The final vote was forty-two to twenty-four; this would seem to indicate that the endorsement of the Alien and Sedition Laws was made more prominent than the condemnation of the Virginia remedy.<sup>2</sup>

In the Senate the Kentucky Resolutions were presented but no action was taken upon them; in reply to Virginia the resolutions of the House of Delegates were adopted.<sup>3</sup> The action of the state was not officially transmitted to either Virginia or Kentucky.<sup>4</sup>

In Maryland, discussion of the Virginia and Kentucky Resolutions seems to have been confined almost entirely to the legislature; in Pennsylvania the debate over them was more widely extended. Philadelphia, as was natural from its commercial, social,

<sup>1</sup> *Ibid.*

<sup>2</sup> For the proceedings of the House of Delegates on the reply to Virginia see the *Albany Centinel*, February 1, 1799. H. U.

<sup>3</sup> *Index to the Journals of the Senate and House of Delegates*, (Annapolis, 1857), II. 60, 66, 280.

<sup>4</sup> All the replies officially transmitted to Virginia were included in the pamphlet, *Proceedings of the Virginia Assembly on the Answers of Sundry States to their Resolutions*, 1800. H. U. The reply of the Maryland House of Delegates to Kentucky was merely a committee report.



and intellectual prominence, enjoyed the best newspapers published in the United States. These papers, taking notice at an early date of the agitation in Virginia and Kentucky, reported its progress with considerable promptitude and fullness. Unlike most of the papers elsewhere, the Philadelphia press was not content to merely print a portion of the news; resolutions like those of Virginia and Kentucky called for comment, and the kind of comment made is significant. Fenno in the *Gazette of the United States* presented to his Federalist readers the resolutions of both states together with portions of the speech of Governor Gerrard to the legislature of Kentucky, under the title: "Fruits of French Diplomatic Skill."<sup>1</sup> Dismissing the resolutions without discussion, he attacked the speech. One portion of it he pronounced "a most atrocious train of misrepresentation and falsehood;" another he characterized as "too weak and contemptible to merit much attention;" the whole is an "abominable speech, distinguished no less by the depravity of its sentiments, than the most desperate folly." It was the spirit rather than the matter of the speech that alarmed Fenno; little attention was paid to the remedy which Gerrard had suggested and no attempt was made to show that it might not rightfully be employed. It was the possibility of resistance to federal government rather than the cause of that opposition or the proposed method of resistance that seemed to Fenno the important side of the affair. The resolutions seem to have had upon him an effect similar to that produced upon other Federalist editors, strengthening his already implicit belief in the rapid approach of disaster. On March 4,<sup>2</sup> he pointed out to his readers four "indications of approaching convulsion"; number one is "the imbecility of our frame of government," and allusions make it plain that the imbecility referred to was that which made possible such opposition to the federal government as that of the Virginia and Kentucky Resolutions. The present system he characterized as "a mere experiment," "a jangling and chaotic confusion of federal and state governments, which I can compare to nothing more nearly than a farrow of pigs, who have so strengthened and increased on the nourishment she has afforded them, as to be able to insult her authority and resist her controul."

As might have been expected, the bitterest invective came from Cobbett, who in this connection wrote some of his most characteristic paragraphs. At one moment the reader is surprised by a touch showing remarkable insight into some problem then facing the

<sup>1</sup> Article reprinted in the *Albany Centinel*, December 18, 1798. H. U.

<sup>2</sup> Article reprinted in the *Salem Gazette*, March 4, 1799. H. U.

American people ; the next moment his admiration is excited by a prophecy since actually realized, or falsified only by circumstances which no man could then have anticipated ; meanwhile he is constantly amused by bits of sophistical reasoning, by Cobbett's ignorance of American history or his failure to appreciate some of the most obvious traits of American character. Desiring to properly label Gerrard's speech and the Kentucky Resolutions Cobbett introduced them to his readers with the remark that he had always apprehended that the chief danger from French influence lay in the possibility that France might acquire Louisiana and aid the Kentuckians in a revolt from which they "were far from being disinclined." That the action of Kentucky is a revolt due to French influence is tacitly but none the less effectively assumed in the observation, "This most impudent speech, from the governor of that country, will enable the reader to judge how far my apprehensions are well founded."<sup>1</sup> To Cobbett, as to Fenno, the mere fact of opposition rather than the manner or the ground of the opposition demanded attention.

When the news of Virginia's action reached Cobbett, his anger burst forth in a long hysterical article, characterized by abusive epithets and the absence of any real argument ; the Virginians are taunted with the holding of slaves and advised to study the Constitution which they profess to hold in such veneration, especially that portion of it which declares that all men are born free and equal ! The address of the legislature to the people of Virginia is pronounced "little short of high treason," "the most seditious that ever daring demagogue drew up, or that ever a factious assembly had the impudence and folly to sanction."<sup>2</sup> Neither the protest against the Alien and Sedition Laws nor the right of a state to render them void is discussed. In his wrath against the Republicans Cobbett quite forgot to disprove their propositions. A little later he expressed a more deliberate opinion upon the result to which the Virginia and Kentucky opposition would lead. "Virginia will have either a majority in congress or a separation of the states ! And, one or the other, I am afraid she will have, ere two years are at an end." But the danger of separation, he thinks, does not come from Virginia alone. "It is very certain, too, that the New Englanders want to get rid of the Southern States. Their interests are as opposite as are the manners of their inhabitants."<sup>3</sup> This idea that New England will resist the impending triumph of Virginian ideas Cob-

<sup>1</sup> *The Country Procupine*, December 12, 1798. H. U.

<sup>2</sup> *Ibid.*, February 6, 1799. H. U.

<sup>3</sup> *Ibid.*, April 3, 1799. H. U.

bett elaborates in reply to "Plain Truth," a Virginia correspondent. "In point of fact," argues Plain Truth, "no state can be permitted to withdraw itself from the union. In point of policy, no state ought to be permitted to do so." "I highly applaud," says Cobbett, "the motives of Plain Truth, and most sincerely hope, that his eloquence may produce a good effect among the Virginians. But I must confess, I do not think his reasoning is forcible. . . . Does he imagine, that the industrious and orderly people of New England will ever suffer themselves to be governed by an impious philosopher or a gambling profligate, imposed upon them by Virginian influence? If he does, he knows little of New England. The New Englanders know well, that they are the rock of the Union. They know their own value; they feel their strength, and they will have their full share of influence in the federal government, or they will not be governed by it. It is clear, that their influence must decrease; because every man has a vote, and the middle and southern states are increasing in inhabitants, five times as fast as New England is. If Pennsylvania joins her influence to that of New England, the balance will be kept up; but, the moment she decidedly throws it into the scale of Virginia, the balance is gone, New England loses her influence in the national government, and she establishes a government of her own."<sup>1</sup>

Looking into the columns of the *Aurora* for expressions that will indicate the opinions of Pennsylvania Republicans upon the resolutions of their Virginia and Kentucky brethren, a peculiar attitude is discovered. Comment is almost entirely lacking, but the resolutions are published with great gusto along with other protests against the Alien and Sedition Laws. This seems to show that the resolutions were regarded as in the main a protest against obnoxious laws, though the impolicy of insisting too much upon what was likely to prove unpopular in Pennsylvania may have had a share in producing silence as regards the proposed remedy. Yet in August the *Observatory*, of Richmond, Virginia, copied from a Philadelphia paper a short item which seems to show that some Pennsylvania Republicans did approve of the tenets of their Virginia and Kentucky brethren. "Is not every officer of a state government sworn to support the constitution of the U. States? If the federal government passes laws contravening the constitution, is it not a breach of oath in a state officer to carry such laws into effect? Are not the states as well as the federal government to judge of the Constitution? Is not the Constitution a contract between the different states? Are not they to judge whether this contract be broken or

<sup>1</sup> *The Country Porcupine*, April 1, 1799. H. U.

violated? If congress can annul a contract with a foreign nation because of its violation, will not the same justice operate to modifying or annulling a contract between States, which is no longer regarded?"<sup>1</sup>

Legislative action upon the resolutions was not so prompt in Pennsylvania as in Maryland, but when taken was not less decisive. On January 25 the governor transmitted to the legislature the resolutions of Kentucky. In the Senate a motion was at once made to lay them upon the table, apparently for the purpose of securing some discussion of the resolutions. But even this scant courtesy was refused and the motion was defeated by a vote of fourteen to eight.<sup>2</sup> In the House of Representatives no action was taken until February 1, when a course different in sort but similar in purpose was pursued. Six counter-resolutions were adopted "by a considerable majority." These counter-resolutions are devoted almost exclusively to Kentucky's protest and remedy for the Alien and Sedition Laws. These laws are "just rules of civil conduct, and component parts of a system against the aggressions of a nation, aiming at the dominion of the world"; the favorite Federalist argument, that no well-behaved citizen need fear the operation of the Alien and Sedition Laws, is repeated at length. Disapproval of the Kentucky remedy is even more strongly expressed: a declaration by a state legislature that an act of the federal government is void and of no effect is a "revolutionary measure" as dangerous as unwarranted. The House does not stop, however, with denying the Kentucky doctrine but proceeds to enunciate its own counter-doctrine. "Resolved, That in the opinion of this House, the people of the United States have vested in their President and Congress, the right and the power of determining on the intent and construction of the Constitution, as on the ordinary subjects of legislation, and the defence of the Union; and have committed to the Supreme Judiciary of the nation the high authority, of ultimately and exclusively deciding on the constitutionality of all legislative acts."<sup>3</sup>

When the Virginia Resolutions were received, on March 9, the Senate repeated its former action; "voted them under the table" is the description of the Federalist press. The House, as before, dismissed them by resolution, but this time no argument was indulged in.<sup>4</sup> The principles of Virginia "are calculated to excite unwarrantable discontents, and to destroy the very existence of

<sup>1</sup> *The Observatory*, August 9, 1799. H. U.

<sup>2</sup> *The Philadelphia Gazette*, January 26, 1799. H. U.

<sup>3</sup> These resolutions will appear in the next number of the REVIEW.

<sup>4</sup> *Ibid.*

government. They ought to be and are hereby rejected." This resolution was passed by a vote of forty-three to twenty-five, seemingly a party division and indicating that the constitutional doctrines of Virginia were not so heretical in the eyes of Pennsylvania Republicans as to preclude the partial endorsement of them which a vote against the resolution implied.

Delaware took prompt action upon each set of resolutions; on January 21, both houses of the General Assembly united in the opinion that the resolutions of Kentucky were "a very unjustifiable interference with the general government, and the constituted authorities of the United States, and of dangerous tendency, and therefore not a fit subject for further consideration of the General Assembly."<sup>1</sup> Eleven days later exactly the same words were again employed to dismiss the Virginia Resolutions.<sup>2</sup>

The New Jersey legislature did not meet until January 16, 1799, but its action was foreshadowed two days before in the *Federalist*, or *New Jersey Gazette*.<sup>3</sup> The Virginia and Kentucky Resolutions will be dismissed "with contempt," for sedition forms no item of natural rights in New Jersey. Its second argument sounds like an echo of 1787 and shows that the *Gazette* understood the art of befogging the real issue by an appeal to ancient prejudices. Virginia, in reality, cares little or nothing for the Alien and Sedition Laws; it is the Constitution she aims at destroying, and that because the small states have an equality with herself in the Senate.

Four days after the appearance of this article the legislature disposed of both sets of resolutions in the manner predicted. But this action was not taken before a lively debate in the House had shown exactly the attitude of both the Federalist and the Republican members of the legislature towards the resolutions.<sup>4</sup> Additional interest is given to this debate by the fact that it is one of the two debates in the state legislatures over replies to the Virginia and Kentucky Resolutions which have been preserved for us. Messrs. Campbell and Van Cleve, speaking for the Federalists, urged immediate dismissal by a unanimous vote. About the subject-matter of the resolutions "no honest American could entertain a doubt"; "all seemed to express, both publicly and privately, the most decided disapprobation of them." The consideration of a suitable

<sup>1</sup> *Philadelphia Magazine and Review*, February, 1799. H. U.

<sup>2</sup> Elliot's *Debates*, IV. 558.

<sup>3</sup> *The Federalist*, or *New Jersey Gazette*, January 14, 1799. Am. Antiq. Soc.

<sup>4</sup> The account of the debate here given is extracted from a detailed report which appeared in several New Jersey papers. See the *Federalist*, January 21, 1799 (A. A. S.); the *Guardian*, or *New-Brunswick Advertiser*, January 29, 1799 (A. A. S.); the *State Gazette*, January 29, 1799 (A. A. S.).

reply would involve a waste of time and the public money ; an appearance of respect for a sister state is not demanded towards one which has shown so little respect for the general government and in its resolutions offered the greatest possible insult to this state ; a reply must be expressed in terms of the highest disapprobation and probably would be more irritating than the action proposed.

For the Republicans the motions to dismiss the resolutions were opposed by Messrs. Pennington, Southard, Stillwell and Morgan. All four expressed their own disapproval of the resolutions,<sup>1</sup> two of them asserting, without contradiction, that the resolution had no friends in the House.<sup>2</sup> Thus seeming to agree with the Federalists as to the merits of the resolutions they advanced a variety of arguments for a different disposal of them, advocating a reply which should state the reasons of the legislature for rejection. The subject-matter of the resolutions involves questions of the highest importance to the welfare and happiness of the states, but upon which there is much difference of opinion and agitation in the public mind. A sister state, especially one of the importance of Virginia should be treated with respect ; if the resolutions are indecent, "let us not retort upon them indecency." It is certainly the duty of New Jersey to endeavor to appease, not to irritate, and a well-reasoned reply will be the most likely means of preserving harmony between the states and may tend to work conviction. Many members of the House cannot be persuaded to vote for instant dismissal, and to force a vote upon that issue would create an appearance of division of opinion in regard to the merits of the resolutions. But these arguments were of no avail, for the vote upon the motions to dismiss appears to have been a strict party division, twenty to fifteen. In the Senate no action appears to have been taken, that of the House being regarded as sufficient.

From the debate in the House one might conclude that New Jersey Republicans were not opposed to the Alien and Sedition Laws and differed from the Federalists over the Virginia and Kentucky Resolutions only in desiring a respectful reply to them instead of a summary dismissal. But an inspection of the columns of the Republican newspapers of New Jersey shows beyond all doubt that

<sup>1</sup> Pennington : "could not approve of the resolutions," "I disapprove of the resolutions as much as any man." Southard : "He should be sorry to be understood as approving of the resolutions," "he was of opinion that they had gone much too far." Stillwell : "He much disapproved of the resolutions." Morgan : "voted for retaining the Virginia resolutions, not that he approved of them."

<sup>2</sup> Pennington : "I am persuaded that not a man on this floor, will vote for them." Morgan : "I cannot think that any gentleman on this floor, would wish to countenance those resolutions."



New Jersey Republicans disapproved of the Alien and Sedition Laws,<sup>1</sup> being on that point in exact accord with their brethren of Virginia and Kentucky. The *Centinel of Freedom*, the leading Republican paper of the state, published by a kinsman of Pennington, the Republican legislative leader, in commenting on the action of the House in dismissing the resolutions, asks: "What else could compel the exclusive Federalists to such a precipitant measure, but the fear, that upon a fair and candid investigation of the Constitutionality of the Alien and Sedition Acts, they would have been declared unwarrantable by the Legislature?"<sup>2</sup> Even in respect to the remedy it appears that the Republicans in the legislature were not in complete agreement with the Federalists, and that outside the legislature there were various degrees of difference among Republicans, some going, apparently, to the point of accepting the Virginia and Kentucky Resolutions entire.

The attitude of the Republican members of the legislature is shown in a set of resolutions offered by Pennington at the next meeting of the House, on January 21.<sup>3</sup> A long preamble sets forth that from the nature of the federal and state governments, each having powers in some cases exclusive and in others concurrent, and being "without a common judge to fix the precise boundary," it was expected that differences would arise. The amendment clause was provided to secure the adjustment of these differences; therefore, the resolutions call upon Congress to assemble a convention "to amend the Constitution of the United States in such sort, as accurately to define the powers given to the said government of the United States, and precisely to mark out the boundaries of power between the state and general governments, in such a way, if possible, as to leave nothing to construction, and particularly to ascertain, and specially define the powers of the general government relative to crimes." These resolutions show conclusively that the Republican members of the New Jersey legislature did not accept the Federalist doctrine that the Supreme Court of the United States is the final arbiter of differences between the federal government and the states; they further indicate an inclination, to put it no stronger, to accept all the constitutional reasoning of the Virginia and Kentucky Resolutions except the final conclusion, that each state may judge for itself. The resolutions were, of course, rejected by the Federalist majority,

<sup>1</sup> For evidence of the Republican opposition to the Alien and Sedition Laws see the *New Jersey Journal*, October 2, 1798; the *Newark Gazette*, January 22, 1799; the *Centinel of Freedom*, January 22, 1799. All H. U.

<sup>2</sup> January 22, 1799.

<sup>3</sup> These resolutions are printed in full in the *Federalist or New Jersey Gazette*, February 15, 1799. A. A. S.

being dismissed on their first reading and not suffered to appear in the minutes of the House.

Some New Jersey Republicans were ready to go further ; in fact, to accept the resolutions entire. One of these wrote a long article upon the subject for the *Genius of Liberty*, signing himself "Observer."<sup>1</sup> He was surprised and disappointed that the merits of the Virginia and Kentucky Resolutions were not touched upon in the recent discussion in the House ; two points ought to have received attention, (1) whether the Alien and Sedition Laws were constitutional or not ; (2) and if they were not, "whether they should adopt the same mode of resolution."

"But perhaps some passive, quiescent member of the house will say, the Legislature of a state have no right to give an opinion, whether a law of Congress is constitutional or not—let Congress, or the federal supreme court, decide such question (and it is no matter which, if either is to decide), but the objection must fall to the ground on a moment's reflection. The constitution is a solemn compact, made between the individual states, as sovereignties, and the U. States collectively ; who, as such, possess inherently no such powers, and Congress have no right whatever to exercise any power not expressly delegated in that compact ; and all other power, not so delegated, remains entire, and belongs to the individual states ; and as much so as though no such compact had been made, and as much so as the sovereignty of any state or power in Europe. Now let me ask, when a treaty or compact is made between two sovereign powers, and infracted by one of the parties, shall that party, or its court, decide whether it has itself broken the compact or not ? When Congress, in a late act, declared France had broken the treaty with us, and that all obligation, on our part, ceased in consequence thereof, was this the case then ? Did we wait, or submit it to them to decide, whether they had infracted the compact or not ? Surely not, nor can it be right, in the present case, nor in any case whatever, without totally destroying the idea of sovereignty. If the doctrine of the objector is valid, and the states, individually, have no right to judge when the constitution is violated by Congress, there is an end to all state sovereignty, and state legislation, and we are at once consolidated ; and it will be futile to elect and pay a state legislature : besides, in the case of the alien law, and many other cases, the supreme court can have no jurisdiction, the suspicion of the President is all-sufficient to inflict the penalty ; how then is the supreme court to judge of the constitutionality of a law which it is not to execute ?"

The Federalist newspapers of New York state were, for the most part, content to copy the comments of the Philadelphia representatives of their faith upon the Virginia and Kentucky Resolutions, their own additions being few and short. Of real argument there was less in these additional remarks than in the comments of the Philadelphia papers, but the tone was even firmer. The *New York Gazette* concluded its account of Gerrard's speech thus : "But, thanks to the wisdom of Congress, WE HAVE A SEDITION LAW :

<sup>1</sup> *The Genius of Liberty*, Morristown, March 7, 1799. H. U.

and though a Governor may say much with impunity, the wretched understrappers of the party are doomed to swallow in part the bile with which they would otherwise bespatter the BEST PATRIOTS of America.”<sup>1</sup> Another New York city paper pronounced the resolutions an attempt to separate the northern and southern states, adding: “We sincerely wish these efforts to bring the question to a crisis will succeed; and the sooner the better. We are not in the least apprehensive about the issue. There is a spirit of union and firmness in the northern states, . . . which, if called to act in the adjustment of *civil* disputes about alien and sedition laws, will speedily put an end to all town meeting controversies on that subject.” This threat it made advisedly, warning sedition-mongers to weigh well the consequences before proceeding further.<sup>2</sup>

Governor Jay communicated the resolutions of Virginia and Kentucky to the legislature promptly, but that body was slow to take action, nothing being done until the Federalists discovered that inaction was being construed as implying disapproval of the federal administration and its alien and sedition policy.<sup>3</sup> On February 15 and 16 the resolutions were discussed in the lower house and disposed of; as the resolution adopted contained no provision for its transmission to Virginia and Kentucky it has hitherto been overlooked, the reply of the Senate being taken for that of the state.<sup>4</sup> No reports of what was said in this debate have been preserved for us, and our sources of information even as regards the procedure are provokingly meagre. The entire matter was disposed of in committee of the whole; four or five attempts were made by the Republicans to amend the resolution offered by the Federalists. One of these was to incorporate a declaration that the Alien and Sedition Laws were unconstitutional and that Congress ought to repeal them; another proposed to expunge from the Federalist resolution the declaration that the right to decide upon the constitutionality of the Alien and Sedition Laws belonged to the judiciary. These, like all the other attempts at amendment, failed; but they are interesting as showing that the Republicans in the New York House of Representatives, like those of New Jersey, endorsed the Virginia and Kentucky protest against the Alien and Sedition Laws and shared to some extent their constitutional doctrines, though they were unwilling to declare that a state may judge for itself in cases of difference with the federal government.

<sup>1</sup> *Albany Centinel*, January 29, 1799. H. U.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, February 19, 1799.

<sup>4</sup> These resolutions will appear in the next number of the REVIEW.

When the final vote came the division was strictly upon party lines, fifty to forty-three. The preamble and resolution adopted are short and directly to the point. The right to decide upon the constitutionality of laws passed by Congress belongs to the judiciary, the assumption of that power by a state legislature is unwarrantable and dangerous ; this house, accordingly, disclaims for itself such a power as that assumed by the legislatures of Virginia and Kentucky, to pass upon either the expediency or the constitutionality of the Alien and Sedition Laws, and the committee is discharged from further consideration of the matter.

In the Senate, as in the House, consideration of the resolutions was chiefly in committee of the whole ; but of the proceedings there nothing has been learned. When the committee rose, on March 5, Mr. Van Vechten, a Federalist leader, reported the preamble and resolution which constitute the New York reply as given in Elliot's *Debates*. Spencer, the Republican leader, offered a substitute which declared that the senators think " themselves, individually, and in a legislative capacity, invested with the right of expressing their opinions upon the acts and proceedings of Congress ; and that in cases of dangerous encroachments and innovations on the rights and sovereignty of the State Legislatures, it would become their bounden duty to mark and proclaim such innovations ; yet this committee, most solemnly impressed with the importance and necessity of preserving harmony between the national and state governments at the present eventful period, do not judge it expedient or proper to adopt the resolutions of the States of Virginia and Kentucky." Another Republican member offered a resolution consisting of a brief statement, that it would be improper to adopt the resolutions of Virginia and Kentucky. Debate upon these substitutes was shut off by the previous question, carried by party votes. An amendment offered by Spencer for the purpose of making it appear that the reply of the Senate was chiefly directed against those portions of the Virginia and Kentucky Resolutions which assert for the states a power to render acts of Congress void, was defeated though several Federalists joined with the Republicans on that issue. Then the final vote came and the division was strictly according to party lines, 31 to 7.<sup>1</sup> The questions passed upon in the Senate did not involve the attitude of its members towards the protesting and the remedial features of the Virginia and Kentucky Resolutions so exactly as did those raised in the House, but taking them together they show, beyond much doubt, that the attitude of the Republicans in both houses was the same, endorsement of the

<sup>1</sup> *Albany Centinel*, March 8, 1799. H. U.

protest and partial acceptance of the reasoning upon which the remedy was grounded.<sup>1</sup>

When the Kentucky Resolutions were laid before the General Court of Massachusetts the Federalist leaders in that body seem to have determined that the disapprobation of Massachusetts should be expressed with no uncertain sound. Accordingly, a joint committee of both houses was appointed for their consideration; this committee, consisting of three from the Senate and four from the House, was composed entirely of Federalists and had for its most distinguished members John Lowell and Nathan Dane.<sup>2</sup> The Virginia Resolutions, arriving after the appointment of the committee, were also referred to it.<sup>3</sup>

Both sets of resolutions were in the hands of the committee by January 18, but the report upon them was not presented to the Senate until Saturday, February 2. On the Monday following, as the result of a considerable debate upon the proper form of proceeding, the report was referred back to the committee to be changed from resolutions into a declaration. The next day the report came up for discussion on its merits. What was said by the Federalists cannot be ascertained, as the Senate met in secret session and none of the Federalists published their speeches. There was but one Republican in the Senate, John Bacon of Berkshire, but he made a determined protest against the report of the joint committee and afterwards published his speech in the *Chronicle*.<sup>4</sup>

Remarking that the committee had chosen to direct their arguments chiefly at establishing the constitutionality of the Alien and Sedition Laws, Bacon announced that his attention would be confined to that question, even to the exclusion of another of at least equal importance, "the question respecting the right finally to judge and determine as to the constitutionality of the acts of the General Government." The remainder of the speech, which occupied four columns in the *Chronicle*, is a well-considered presentation of the familiar Republican arguments against the constitutionality of the

<sup>1</sup> The attitude of the Republicans in the legislature appears to have been that of the party generally; see an article from the *Albany Register*, reprinted by the *Chronicle* (Boston), February 25, 1799.

"It is impossible to conceive a doctrine more opposed to the constitution of our choice, than that a decision as to the constitutionality of all legislative acts rests solely with the Judiciary Department; it is removing the corner stone on which our federal compact rests; it is taking from the people the ultimate sovereignty, and conferring it on agents appointed for specified purposes; it is giving an administration the power of passing what laws they please, and of course a power to set at defiance the constitution whenever it may run counter to their projects of tyranny and ambition."

<sup>2</sup> The names will be found in the *Columbian Centinel*, January 23, 1799.

<sup>3</sup> *Massachusetts Mercury*, January 22, 1799.

<sup>4</sup> February 14, 1799.

Alien and Sedition Laws ; its tone is remarkably moderate throughout. Of course Bacon's reasoning did not convince any of his Federalist colleagues, but it cannot be said to have been without effect, for the President of the Senate moved that the report be referred back to the committee "for the purpose of strengthening it by new and more cogent reasons."<sup>1</sup>

Three days later the committee presented its report again, containing "additional reasons in support of the alien and sedition laws." As now amended the report was passed by a vote of thirty-one to two, one Federalist voting against it because of a passage declaring that in all cases involving the Constitution and laws of the United States the decision belongs to the judiciary. On the day following the matter was reconsidered and the passage altered to read "cases in law and equity," whereupon the objecting Federalist changed sides, leaving the final vote all but unanimous.<sup>2</sup>

In the House of Representatives consideration of the report was confined to a single day, February 12. This debate was open to the public and from the reports of the *Mercury* and the *Chronicle* a good idea of the debate may be obtained.<sup>3</sup>

For the Federalists, Mr. Pickman of Salem opened in what the *Mercury* called "a very able, eloquent and classical speech." He pronounced the Alien and Sedition Laws both constitutional and expedient, denying that aliens had any rights under the Constitution. The greater part of his speech was a defence of what he denominated the chief feature of the report, its constitutional doctrines. It is evident that Pickman dwelt more particularly upon the disastrous consequences which would certainly follow interference by the states than upon the question of their right to interfere, using that *ex necessitate* method of constitutional argumentation so much employed by the Federalists—a given course of action would result badly, therefore it must be inhibited by the Constitution.

Colonel Barnes of Marlborough denied the right of the state governments to interfere in any manner in federal questions, and from this principle disapproved of giving any opinion upon the subject. This scruple, which was shared by other Federalists, was overcome by the next Federalist speaker, John Lowell, who explained that the report should be considered as only an expression of the individual opinions of the members, not as a legislative declaration. Some such expression of their individual opinions was

<sup>1</sup> *Columbian Centinel*, February 9, 1799.

<sup>2</sup> *Philadelphia Magazine*, March, 1799, pp. 114-115. H. U.

<sup>3</sup> In the account which follows I have used the report of the *Mercury* unless the *Chronicle* is indicated. See the *Mercury*, February 19, 1799, and the *Chronicle*, February 14, 1799.



absolutely imperative under the circumstances, for silence would be construed as assent to the doctrines of Virginia and Kentucky.

Lowell, as the Federalist leader in the House and as a member of the joint committee, made the most elaborate argument in behalf of the report. Three distinct propositions are involved in the report. 1. "The first, and the most important," said Lowell, is "that the State Legislatures have no constitutional right to judge of the acts and measures of the Federal Government." 2. The Alien and Sedition Laws are constitutional. 3. They are also "expedient and necessary." In support of the second and third propositions, Lowell argued that the Alien Law was forced upon the United States by the machinations of France; that the Sedition Law was equally well grounded and, if possible, yet more expedient. For the constitutionality of the Sedition Law Lowell offered no argument, while upon that phase of the Alien Law his only argument was to declare, in reply to a challenge to point out the clause of the Constitution which warranted it, "the very object and scope of the Federal Compact was to invest in one *general* head the whole National Concerns."

Taking the Federalist speeches in the aggregate there appears to have been considerable warrant for the *Chronicle's* complaint that the question was superficially argued by the advocates of the report. Doubtless the certainty of a large majority in its favor will account for this and for their maintaining, as the *Chronicle* charged, an intolerant and contemptuous attitude towards their opponents "more conspicuous than ever disgraced these walls."

On the Republican side five or six short speeches were made by different members, but little can be learned about the ground which they took for opposing the report. The *Mercury*, the only paper which notices these speeches, states that all of these speakers "professed a strong disapprobation of the Resolutions of Virginia, but could not agree to the proposition adopted by the Senate in reply to them." The only elaborate speech on the Republican side was one read from manuscript by Dr. Aaron Hill of Cambridge in concluding the debate. This, like the speech of Bacon in the Senate, was afterwards published in the *Chronicle*.<sup>1</sup> The most important feature of it is the portion devoted to a consideration of the declaration contained in the report, that the right to pass upon the constitutionality of federal laws belongs to the federal government. Denying the correctness of this doctrine, Hill set forth what he conceived to be the true nature of the federal union and the rights of the states in cases of encroachment upon their reserved powers.

<sup>1</sup> *Chronicle*, February 25, 1799.

“The Federal Government is, as the term imports, a confederation of States, and the People of each State have transferred to the United States, such a portion of their power as is, in the Constitution specified, to be exercised by Congress, and have reserved the Remainder to the States, to be exercised by their respective Legislatures . . . From the distribution of power in the Federal and State Constitutions, it appears that Congress are the proper guardians of the one, and the State Legislatures of the others, and while the individual States retain any portion of their sovereignty, they must have the right to judge of any infringement made on their Constitutions, for if the right is transferred exclusively to Congress, or to any department of the General Government, no vestige of sovereignty can remain to the individual States, but they become a consolidated instead of a Federal Government, and the oath and declaration required by our Constitution, will remain a lasting monument of the inconsistency of a People who require of their Agents an oath to defend, without a right to judge whether it is attacked.”

This, certainly, is not much short of the remedial doctrines of the Virginia and Kentucky Resolutions. At the conclusion of this speech the vote was taken and the report was accepted.

The action of the General Court was, of course, quite differently received by the Federalist and Republican papers of Boston. Before the report had been considered in either house the *Centinel* had confidently announced that what such a committee should report “must be correct.”<sup>1</sup> When both houses had stamped the report with the seal of their approval the elation of the *Centinel* knew no bounds; the document will be “an everlasting record of the Wisdom, Patriotism and enlightened Policy of the present times. . . . Indeed, he who now doubts the rectitude of such principles must be worse than an infidel.”<sup>2</sup>

When political fanaticism reaches the pitch of arrogance displayed by this remark of the *Centinel* and by that of the Federalist member of the House, who stigmatized his Republican opponents as a “contemptible minority,” one need not be surprised to find Republican dissent, however modest its expression, treated in a summary fashion. The tone of the *Chronicle*, tested by the standard set in the *Centinel* and other Federalist papers, was a model for fairness and courtesy towards its opponents; measured even by the standards of today, there was little in its tone to which exception might fairly be taken. But this moderation did not secure its publishers from persecution for persistently adhering to their political convictions. Within a week after the passage of the Massachusetts reply to Virginia and Kentucky, provocation for an attack upon the *Chronicle* was found in two articles that appeared on February 18. In one of these a correspondent observed that in May 1798 Massachusetts was a “free, sovereign and independent state” except in

<sup>1</sup> January 23, 1799.

<sup>2</sup> February 16, 1799.

matters specially committed to the federal government. As proof of this assertion he appealed to the evidence furnished by about two hundred respectable witnesses, who, in order to secure seats in the legislature of the Commonwealth, had taken oath to that fact and to their opinion that it ought to be so. But recently, when the state of Virginia propounded the question whether the sovereignty of the individual states was not invaded by certain acts of Congress, a majority of these same witnesses disclaimed for the legislature of Massachusetts and all the states "any right to decide upon the constitutionality of any act of Congress." This action by the majority of the witnesses led the correspondent to make the following request :

"As it is so difficult for common capacities to conceive of a *sovereignty* so situated, that the *Sovereign shall have no right to decide on any invasion of his constitutional powers*; it is hoped for the convenience of those tender consciences who may hereafter be called upon to swear allegiance to the State, that some gentleman skilled in federal logic will show how the oath of allegiance is to be understood, that every man may be so guarded and informed, as not to call upon the Deity to witness a falsehood."

The other article consisted of a few remarks upon Bacon's speech in the Senate. It contained this sentence : "The name of the American Bacon will be handed down to the latest generations of free-men, with high respect and gratitude, while the names of such as have aimed a death wound to the constitution of the United States will rot above ground and be unsavory to the nostrils of every lover of republican freedom."

The next day after the appearance of these articles in the *Chronicle* the Supreme Judicial Court of the Commonwealth opened its term in Boston. Chief-Justice Dana in his charge to the grand jury called its attention to the articles, remarking that he obtained a copy of the paper by accident, for if he were a subscriber "his conscience would charge him with assisting a traitorous enmity to the Government of his country."<sup>1</sup>

The result of Chief-Justice Dana's harangue to the grand jury was the return of an indictment against Thomas Adams, editor and publisher of the *Chronicle*, and Abijah Adams, a younger brother, employed in the office of the paper.<sup>2</sup> They were charged with an offense against the peace and dignity of the Commonwealth in "contriving falsely and maliciously to bring the Government into disrespect, hatred and contempt among the good and liege citizens of the commonwealth," and with encouraging sedition, disobedience and opposition to the laws, by the articles already quoted.

<sup>1</sup> *Massachusetts Mercury*, February 22, 1799.

<sup>2</sup> The indictment and other papers connected with the case are in the manuscript records of the Massachusetts Supreme Judicial Court, Vol. 1799, folio 183, No. 8191.

On February 22 Chief-Justice Dana issued a writ commanding the sheriff to arrest the culprits. Under this writ Abijah Adams was taken into custody, but was released pending his trial upon furnishing bail in the sum of one thousand dollars. Thomas Adams was not arrested. At the time he was suffering from what proved to be a fatal illness, and the sheriff returned a certificate signed by two physicians affirming that he could not be taken before the court without serious danger to his life.

The arrest of the younger Adams took place on the twenty-seventh of February and on the following day the *Chronicle* for the first time took notice of the attack upon itself. Less than ten lines sufficed for the simple announcement that the younger Adams had been arrested and that his trial would begin the next day. Ultimately the indictment and every transaction connected with the affair, the *Chronicle* promised, would be minutely handled for the public instruction, but prior to the decision, "We scorn to attempt to bias our numerous readers on this subject." This promise was kept and not a single line further appeared in the *Chronicle* until after the entire affair was over; then the whole case of the defense was published in four installments, aggregating twenty-five columns.<sup>1</sup> From this elaborate argument, brief notices of the trial in the *Mercury* and *Centinel*, and the manuscript records of the Supreme Judicial Court a quite complete account of the entire trial can be extracted.

FRANK MALOY ANDERSON.

(*To be continued.*)

<sup>1</sup> *Chronicle*, April 11 to May 2, 1799.

## THE UNIT RULE IN NATIONAL NOMINATING CONVENTIONS

FOR a period of one hundred years the Constitution has been in process of extra-legal amendment. In its written form it provides for the election of a president and vice-president in a certain way, but those officers are now elected in a different way. They are elected, so to say, by a process of elimination. Each party makes the elimination within its own ranks and presents a candidate for the final contest; the machinery for making these eliminations is the nominating convention.

It is generally supposed that the national conventions of the two parties are very similar in the general characteristics of their organization—that the actual differences between them are very few. A careful study of the subject will show that this is true; but it will also show that however few the differences may be, they are yet important and fundamental, and reveal the underlying tendencies and principles of the two parties. These differences may be summed up in what are known as the two-thirds rule and the unit rule. The first of these rules provides that no candidate shall be declared nominated unless he shall have received two-thirds of all the votes cast. It has prevailed in Democratic conventions only. The second of these rules is one which allows (but does not compel) the majority of a state delegation to cast the entire vote of the state. It is, properly speaking, not a rule of the national convention, but only of the individual delegations; it is a method of casting the state ballot—a manner of voting; and has reference to the national convention only in so far as that body permits or does not permit its use. This rule also has prevailed only in Democratic conventions.

The two-thirds rule, though in its origin no part of the unit rule, may at the present time be justly considered part and parcel of it. The first Democratic convention adopted the rule requiring a two-thirds majority because it was believed that nominations thus made would have greater authority with the people. But the authority of the national convention soon became such that it was no longer necessary to resort to such devices, for its decisions would be considered binding in any case, and many efforts were therefore made

to do away with the practice entirely. None of them were successful, and the two-thirds rule has been perpetuated; perpetuated for the reason, as the debates show,<sup>1</sup> that it was thought to supplement the unit rule which so many states were using, and was considered in justice a necessity so long as the latter rule was allowed to prevail. A little thought will show how, if the two-thirds rule were abrogated, a few very large states being nearly evenly divided on candidates, and yet enforcing the unit rule, might secure a majority for a candidate whose actual strength would measure only a small minority. While the use of the two-thirds rule does not make this condition of affairs impossible, it lessens the probability that it will occur; and we may therefore consider those two rules as practically inseparable—two parts of a single system, and that system the casting of state votes as a unit. It is then the so-called unit rule which is of importance, and in which we must seek the differences between the two conventions. I do not believe that this rule or its significance is very generally or very well understood; to trace its history from the beginning of both parties—to show what has been the attitude of both parties toward its introduction and use in their national conventions, and to point out from the results obtained its general meaning will be the object of this paper.

To begin with, it may not be unprofitable to quote from a recent writer on the subject, in order to have something definite in mind the while, for purposes of comparison and criticism. Mr. Dallinger, who has recently written a book for the Harvard Historical Studies,<sup>2</sup> says on page 41: "Either in the form of a rule adopted by the convention or in the form of instructions by the state conventions the practice of having the majority of each state delegation cast the entire vote of the state soon became firmly fixed in the proceedings of both the leading political parties. The first successful revolt against this disregard of the right of the minority occurred in the national convention of the Republican party in 1876." Again on page 134 he says: "This undemocratic custom . . . . was abandoned by the Republicans in 1880; but it still prevails in a modified form in the national councils of the Democratic party."

With these statements in mind we may proceed to examine in detail what rules the national conventions have passed, and what discussions have occurred with reference to this matter.<sup>3</sup> My plan

<sup>1</sup> Particularly in 1844; see Niles, LXVI. 211 ff.

<sup>2</sup> *Nominations for Elective Office in the United States*, New York, 1897.

<sup>3</sup> It is hardly necessary to say that the main sources for this subject are the journals of the conventions. These have been published for the most part under the direction of the executive committees of the national committees, and bear the title of *Official Proceedings*. In a few instances in which these have not been obtainable, the best detailed



is the simple one of examining each convention in order, and considering, first, the rules which were adopted, and second, the discussion which occurred, together with such other evidence as may have a bearing upon the general problem in hand.

### I. DEMOCRATIC CONVENTIONS.<sup>1</sup>

The first Democratic convention was held in 1832, and the committee on permanent officers reported, among other things, the following resolution:<sup>2</sup> "That in taking the vote the majority of the delegates from each state designate the person by whom the votes for that state shall be given." This is vague. It may or may not give the majority the right to cast the entire vote; it probably does not. But it at least has this significance: it shows a tendency at the very beginning to leave the decision of all such matters to the state, or the delegations which represent the state.

In 1835 the same resolution was again adopted.<sup>3</sup> In balloting for vice-president Ohio gave her entire vote (21) for Richard M. Johnson, whereupon a delegate protested that not all the delegates had voted for Johnson. The chair ruled that it was a matter for the delegation to decide for itself.<sup>4</sup>

Nothing new appears until 1848. This year the following resolution was adopted:<sup>5</sup> "Resolved, that in voting upon any questions which may arise in the proceedings of the convention the vote shall be taken by states at the request of any one state . . . the manner in which said vote is cast to be decided by the delegation of each state for itself." This rule gave rise to no discussion during the convention; and indeed in the earlier assemblies as a whole, very little is said about the justice or injustice of unit voting, from which we may infer that the practice itself was not very common.

The next convention, that of 1852, adopted the same rule word for word.<sup>6</sup> On the thirty-fourth ballot for president Georgia gave

reports in the various newspapers have been used. These main sources I have supplemented by such newspapers and memoirs, etc., as were at my command.

<sup>1</sup> Four Anti-Masonic conventions were held, in the fall of 1830, 1831, 1837 and 1838. I have not been able to find what rules, if any, were adopted with reference to the method of voting. But it is clear that the question never was prominent enough to excite any discussion; and these conventions can have had, therefore, little or no influence in this matter, on the policy of any other party. See Niles, XXXIX. 58; XLI. 109; LIII. 68; LV. 177, 221. The same may be said of the Liberty Party conventions of 1840 and 1843. See Niles, LVIII. 96; LXV. 47.

<sup>2</sup> Niles, XLII. 235.

<sup>3</sup> Niles, XLVIII. 227.

<sup>4</sup> Niles, XLVIII. 229.

<sup>5</sup> Niles, LXXIV. 74.

<sup>6</sup> *Official Proceedings*, 1852, p. 8.

ten votes for Stephen A. Douglas. Mr. Jackson, on behalf of the Union Democracy of the state, protested that this did not express the voice of the people. The chair ruled that the vote must be recorded as announced.<sup>1</sup>

The same rules were again adopted in 1856 and in 1860; but the committee in 1860 recommended this addition:<sup>2</sup> "That in any state which has not provided or directed by its state convention how its vote may be given, the convention will recognize the right of each delegate to cast his individual vote." The adoption of this amendment was accompanied by some discussion which is mostly not of great importance.<sup>3</sup> Mr. Cessna, chairman of the committee, explained why the amendment had been introduced. He said that the practice of preceding conventions had always been in harmony with its provisions, but that the committee feared it was now the intention of some states to interpret the old rules in a different way. The amendment was to prevent this; it was to make any other construction of the rules than the ordinary one impossible.<sup>4</sup>

Several questions were raised under this amendment during the course of the convention. Nelson of Georgia claimed the right to cast his individual vote because the delegation had been merely "requested," not instructed to vote as a unit; but the chair ruled that the words "provided or directed" in the amendment made a "request" as binding as an instruction, and that the vote of the state must therefore be cast as a unit.<sup>5</sup> The New Jersey delegation had been "instructed" to vote as a unit for president, but on all other questions only "recommended" to vote as a unit. When the minority report on platform came up the minority of the New Jersey delegation made a protest on this ground; the chair ruled here as in the case of Georgia, but an appeal from the decision of the chair was sustained by a vote of 145 to 157.<sup>6</sup>

This is fine quibbling. A recommendation amounts to an instruction unless both words have been used, in which case it does not. The thing to be noted, however, is the distinction which the amendment makes between the state convention and the delegation.

<sup>1</sup> *Ibid.*, p. 57.

<sup>2</sup> *Official Proceedings*, 1860, p. 10.

<sup>3</sup> *Ibid.*, p. 11.

<sup>4</sup> *Official Proceedings*, 1860, p. 12. The *New York Times* (April 25, p. 4) says this "innovation was designed to set at liberty certain Douglas votes from Massachusetts, Pennsylvania and elsewhere, otherwise overwhelmed by an unfriendly majority." This is not likely, since the Douglas men did not control the organization of the convention. The report of the committee of which this amendment was one part passed with one dissenting vote. See *Official Proceedings*, 1860, p. 15.

<sup>5</sup> *Official Proceedings*, 1860, p. 46.

<sup>6</sup> *Ibid.*, p. 51.

The decisions of the former with regard to unit voting are recognized as valid—the decisions of the latter are not.

It was owing to difficulty over the adoption of a platform that a number of the Southern states seceded from this convention in a body. A majority of the delegates from Georgia decided to withdraw with the others. Ten delegates, however, remained and claimed to represent the state; but the chair ruled that Georgia had withdrawn. An appeal was taken and the chair was sustained by a vote of 148 to 100.<sup>1</sup> In the Virginia state convention a resolution to instruct the delegation to vote as a unit had been withdrawn on the ground that it was not necessary, since Virginia had always voted as a unit, and the precedent thus established was too strong to be disregarded. A majority of the delegation on this plea tried to force a unit vote on the twenty-third ballot, but the chair held that “unless instruction had been given by the state each individual had a right to cast his own vote.”<sup>2</sup> In the Baltimore convention the rule and precedents of the Charleston convention were followed.<sup>3</sup>

At the close of 1860 then the unit rule may be stated as follows: As to the method of casting the ballot of a delegation the state convention is supreme; its instructions must be followed. In case no instructions are given the national convention then assumes authority and says that each individual delegate shall be allowed to cast his own vote.

It is probable that the rulings of 1860 were followed by an increase in the number of states which instructed their delegates to vote as units; and it is certain that the instructions which were given were now made more definite. Since the states were given assurance that their instructions would be recognized if they were clear there would almost inevitably be a tendency towards more general and more definite instructions. After 1860, therefore, we find very little quibbling as to whether a state has “instructed” or merely “recommended” its delegation—whether its expressed wishes amount to an instruction or not. The tendency was more and more to accept unquestioned the statement of the vote as announced by the chairman. So strong did this tendency become, and so convenient perhaps,—probably for the reason that so many of the states instructed their delegations as to make the interferences of the national body extremely rare,—that an amendment was passed in 1872 incorporating this practice into a law of that convention. A

<sup>1</sup> *Official Proceedings*, 1860, p. 69.

<sup>2</sup> *Ibid.*, p. 80.

<sup>3</sup> *Ibid.*, p. 162.

resolution to proceed to ballot for president and vice-president was before the house when Mr. Cox of New York moved to amend as follows:<sup>1</sup> "And that in casting the vote for president and vice-president, the chairman of each delegation shall rise in his place and name how the delegation votes, and his statement alone shall be considered the vote of such state." So far as voting for candidates is concerned, this practically abolishes the amendment of 1860. For, if the chairman's statement is alone to be considered the vote of a state, no means is left to discover whether a delegation which votes as a unit is doing so under state instruction, or whether the majority may not be in the absence of instruction forcing a unit vote through its control of the chairman. As a matter of fact few objections were made on this latter ground, but those few were—necessarily under the amendment—declared out of order.<sup>2</sup>

Whether it has been intended to include this amendment of 1872 as a part of the rules of succeeding conventions is not perfectly clear. It has always been the practice of Democratic conventions to adopt the rules of the preceding convention without stating specifically what those rules are.<sup>3</sup> But the amendment of 1872 was not an amendment to the general body of rules, as the amendment of 1860 was, but only to a motion to proceed to ballot. When, therefore, the convention of 1876 adopted the rules of 1872, did it mean to include this specific amendment? The practice of the convention of 1876 and following conventions seems to indicate that it was intended so to include it; for until 1896 the statements of the chairman have been more or less arbitrarily received and all objections have been ruled out of order. And this is true not only of the balloting for candidates but of all ballots in which state voting occurred, so that this specific amendment of 1872 seems not only to have been made a part of the general rules of the succeeding conventions, but its application seems also to have been broadened to apply to all questions on which a state vote was called for.

The interpretation of the unit rule which the amendment of 1872 established was apparently acceptable to most of the party; at any rate no serious objections seem to have been made up to 1884. But there was undoubtedly a small minority who never favored the rule in any shape and were especially opposed to it in its present form. If circumstances were to arise which should favor a movement to abolish it, they were there to aid in the attempt.

<sup>1</sup> *Official Proceedings*, 1872, pp. 57, 58.

<sup>2</sup> Such protests seem to have been made four years later by Ohio and Virginia. See *Official Proceedings*, 1876, pp. 148, 149.

<sup>3</sup> This practice has led to much confusion. Another example will be noticed in the convention of 1896. See also *Official Proceedings*, 1884, p. 9, note.

Such an opportunity came in 1884. Grover Cleveland was perhaps the most prominent candidate. His record as reform governor of New York had given him popularity throughout the country; but at the same time it had incurred the enmity of the New York and Brooklyn machine element. This element was in a minority, however, and when the New York delegation, following out the instruction of its state convention, decided by a vote of 47 to 25 to cast the entire vote for Cleveland, Mr. Grady and Mr. Kelly made violent speeches on the part of Tammany in opposition to the unit rule and threatened to carry their objection into the national convention.<sup>1</sup> This they did. The question being on an amendment to the rules, Mr. Grady moved an amendment to the amendment,<sup>2</sup> "And when the vote of a state as announced by the chairman of the delegation from such state is challenged by any member of the delegation then the secretary shall call the names of the individual delegates from the state and their individual preferences as expressed shall be recorded as the vote of such state." The adoption of this amendment meant, of course, the abolishment of unit voting.

The position of those who supported the amendment was in general that the unit rule disfranchised a minority—frequently a large minority. In most states the representatives were elected in districts for the purpose of representing the district and not the state as a whole. The delegates at large, who represented the state as a whole, might well be instructed by the state. If unit instructions were ever advisable it would be when they were made with reference to a specific policy or a particular candidate. It was the practice of broadly instructing delegations to vote as a unit on all questions as the majority dictated, which was especially objectionable.<sup>3</sup> Those who opposed the amendment, on the other hand, spoke of the right of the state to say how its will should be expressed. To deny the states this right is to strike a blow at their sovereignty. The Republican party, which stands for centralized power, may with impunity trample on their hereditary privileges, but as for the Democratic party, it "stands for the rights of the states." The amendment was finally lost by a vote of 332 to 463.<sup>4</sup>

The leaders, in their attempt to abolish the practice of unit voting, were undoubtedly animated by the desire to defeat Mr. Cleveland, more than by real hostility to the practice itself. Undoubtedly also the support they received was largely recruited from the oppo-

<sup>1</sup> *New York World*, July 8, 1884, p. 1.

<sup>2</sup> *Official Proceedings*, 1884, p. 9.

<sup>3</sup> *Ibid.*, pp. 19, 20.

<sup>4</sup> *Ibid.*, p. 39.

sition to Mr. Cleveland throughout the country. "It is understood," says the *New York World*,<sup>1</sup> "and generally conceded that the vote on the unit rule meant the field against Cleveland." This, however, is too strong; the question was something more than one of opposition to Mr. Cleveland. The vote itself shows this, for whereas the unit rule was supported by a vote of 463, Mr. Cleveland received on the first ballot only 392. In the New York delegation, too, the majority for Mr. Cleveland was only 22, but a resolution to sustain the unit rule was carried by a majority of 50. Therefore while the struggle centred around Mr. Cleveland's candidacy, the question of the unit rule was also a real question and the resolution was not supported or opposed simply because it might aid in defeating or nominating a certain candidate.

When the vote was taken a very interesting example of resistance to the unit rule occurred in the case of New York. I quote it because it illustrates very well the kind of thing that so frequently happened, and the results which invariably followed. New York being called, the chairman announced seventy-two votes no.

Cockran: "I challenge that vote."

Manning:<sup>2</sup> "I have to state, Mr. Chairman, that the vote in the delegation is 48 noes and 15 ayes."

Cockran: "Then I ask that it be so recorded."

Clerk: "New York casts seventy-two votes no."

Cockran: "That is challenged, Mr. Chairman, and I move that the Secretary call the roll and poll the delegates. I do not vote aye nor no either, till I hear my own voice."

Chairman: "Gentlemen of the convention, the chairman of the state of New York announces so many votes no."

Cockran: "How many?"

Chair: "Seventy-two."

Cockran: "I say the chairman has announced in the hearing of this convention that there are but forty-eight noes, and I move that that be recorded as it stands."

The chair allowed a protest to be recorded, but his final decision was couched in these careful words: "The chair decides that the announcement made by the chairman *prima facie* is the vote . . . . *prima facie*. Whether it shall stand as a vote is a question for the convention."<sup>3</sup> This, however, was the final word, and the minority of the New York delegation was forced to submit to the majority because it could find no help in the national convention to which it appealed.

From 1884 to 1896 no further change was made. In practice the amendment of 1872 was followed as it had been up to 1884.

<sup>1</sup> July 9, p. 1.

<sup>2</sup> Chairman of the delegation.

<sup>3</sup> *Official Proceedings*, 1884, pp. 37-38.



Protests were sometimes made by the minorities of delegations, but in no case were they ever sustained by the convention.

But in 1896, though the convention adopted the rules of the preceding conventions, it did not interpret them as they had been interpreted by former conventions. Very early in the proceedings the presiding officer<sup>1</sup> established a new precedent, which, without discussion or objection, was followed during the rest of the convention. The vote was on substituting the name of J. W. Daniel for that of David B. Hill for temporary chairman. Iowa under unit instruction voted 26 yeas. Stackhouse objected.

The Chair: "The Secretary will call the roll of delegates from the state of Iowa."

Stone, of Mo.: "I understand the Democrats of the state of Iowa adopted the unit rule, and I desire to know whether the majority of the delegation cannot cast the entire vote of the State?"

Chair: "The chair holds that the proposition as stated by the gentleman from Missouri is entirely correct. The chair further holds that if a delegate from any given state challenges the accuracy or integrity of the vote of a state as announced, that then the list of delegates from that state shall be called for the purpose of verifying the vote as reported."

Meanwhile the polling of the Iowa delegation had resulted in a vote of 19 to 7 in favor of substituting.

The Chair: "The Iowa delegation having been instructed to vote as a unit, the vote of that state will be recorded as 26 yeas."<sup>2</sup>

Here again it is evident that no one knew just what the rules of 1892 were. Whether or not the amendment of 1872 had in theory been adopted by succeeding conventions, it had in practice been made to do service in all of them up to and including that of 1892. But the decision of the chair which has just been noticed altogether ignores the amendment of 1872 and goes squarely against the interpretations which every convention had put upon it for twenty years. On the other hand the words of the presiding officer seem to imply that unless the delegation is acting under state instructions, the majority cannot cast the entire vote of the state, thus going back to the amendment of 1860, which apparently had been a dead letter ever since 1872. The ruling of 1896, therefore, by killing one amendment and reviving another, may fairly be said to have placed the unit rule on a new footing in the Democratic convention, which briefly stated is as follows: When the vote is by states the announcement of the chairman of a delegation is accepted as the correct vote of that delegation unless challenged by some member of it, in which case the delegation is polled in open convention. If

<sup>1</sup> William F. Harity, chairman of the national committee.

<sup>2</sup> *Official Proceedings*, 1896, p. 94.

the delegation is under unit instructions, the vote of the state is then cast as a unit with the majority ; if not the vote stands as polled.

It will thus be seen that the so-called unit rule was not a positive rule adopted by the convention from the first, and compelling the states to vote as units, but a practice of the states which gradually crept into the proceedings of the convention. The objections and discussions which the practice aroused resulted, from time to time, in the passage of rules which have had the effect of leaving the manner of voting to be decided by each state for itself. To just what extent the practice of unit voting obtained in the earlier conventions cannot be determined ; first, because in the records of votes it is impossible to distinguish those states which, in the truest sense, voted unanimously, from those which voted unanimously as the result of the unit method, and secondly, because the accounts of state meetings which sent delegates to the early national conventions are so meagre that, if instructions as to the method of voting ever were given, no records of them remain. The principal reason for thinking that the practice was not very general at first is the fact that few objections and little discussion occur before 1856. I have carefully registered all these objections and discussions, and their results ; for it is here that the beginnings of unit voting must be sought. No such practice existed in earlier state conventions, if for no other reason, because the nature of such meetings was such as not readily to admit of it. One cannot, therefore, put one's finger on any particular time or place and say, here is the origin of unit voting. The idea doubtless came naturally to many men at the same time, as the result of viewing the states as sovereign states, with a will which would be expressed properly only as a unit. But the early conventions were not carefully organized ; no limits of the number of delegates were enforced, and nominations were frequently mere matter of form ; indeed, these gatherings had many of the characteristics of mass meetings, and it was impossible, therefore, that the method of voting should be a prominent or a vital question. It was only when the growing organization of the convention forced the states to limit themselves to an assigned number of delegates that the method of voting came to have an interest as a part of that organization. Then, in dealing with this question of procedure, the doctrine of states' rights made itself felt, and, as the dominant idea, became crystallized in definite regulations.

## II. WHIG CONVENTIONS.

From 1832 to 1852, when the last independent Whig convention was held, the ballot for candidates was taken on a roll-call of the

delegates every time but twice. In 1839 and 1852 only, was the ballot taken in such a manner as to allow of the use of a unit rule. These two conventions, therefore, are the only ones it will be necessary to consider.

The convention of 1839<sup>1</sup> adopted a very long and cumbrous rule for balloting, the like of which has never been known, either before or since that time.<sup>2</sup> In effect the balloting was done secretly by states, and the result finally communicated to the convention through the agency of committees in such a way as to give the greatest possible opportunity for combinations and intrigue. Each state was compelled to vote as a unit. This rule is said to have been the culmination of a shrewd scheme to defeat Henry Clay.<sup>3</sup> The evidence is not altogether conclusive. It rests for the most part on a statement in Wise's *Seven Decades* (pp. 165 ff.) of a prophecy made by Judge White of Tennessee, who foretold the results and stated the process by which they would be reached. However that may be, the rule itself is unique inasmuch as it forced the states to vote as units; but it seems to have had no influence on the later conventions of any party.

In 1852 the ballot was taken for the first time by a roll-call of the states, and the rule provided that the chairman of each delegation should announce "the person or persons for whom the vote is given."<sup>4</sup> This was not very definite, and some interesting discussions occurred in the course of the fifty-odd ballots that were taken. On the first five ballots Illinois cast a united vote for Winfield Scott; but on the sixth the delegate from the seventh district said he would no longer misrepresent his constituents, and voted for Millard Fillmore. Mr. Washburn said the delegates from Illinois had been instructed to vote in such manner as the majority might determine, and therefore they had voted as a unit. After some debate and confusion it was decided that the delegate had a right to vote as he chose.<sup>5</sup> On the twentieth ballot the chairman of the Missouri delegation said that Missouri had voted for Mr. Fillmore but wished now to divide the vote, and asked if "power existed to do so." The chair ruled that the matter was with the delegates themselves.<sup>6</sup>

<sup>1</sup> These early conventions were sometimes held as much as a year or a year and a half before the elections.

<sup>2</sup> For the rule see Niles, LVII. 249 ff.

<sup>3</sup> See Von Holst, *Constitutional History of the United States*, II. 361-369. See also an amusing statement by Benton, *Thirty Years' View*, II. 204.

<sup>4</sup> *National Intelligencer*, June 21, 1852.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

These two rulings are somewhat conflicting. What use the party might have made of the unit rule had it continued to exist it is difficult, perhaps quite impossible, to say. There appears, it is true, to have been some tendency towards the Democratic custom, inasmuch as the state of Illinois had instructed her delegation to vote as a unit, and in the case of Missouri the chair decided that the matter was one to be left to the delegation.

### III. REPUBLICAN CONVENTIONS.<sup>1</sup>

With the Republican conventions we come to a consistent and unmistakable policy with regard to unit voting; the policy namely of allowing each individual delegate to cast his own vote as he chooses under all circumstances. There have been few attempts to introduce the practice which prevails in the Democratic convention, and in every case such attempts have failed.

The first Republican national convention was held in 1856, and the manner of voting for candidates is provided for on page 27 of the *Official Journal*. The committee on credentials,<sup>2</sup> which also reported rules, recommended "that the chairman of each delegation present the number of votes given to each candidate for president by the delegates from his state . . ." No question could well arise as to the proper interpretation of a rule like this, and apparently none did arise.

In 1860 different rules were reported and the manner prescribed for the casting of votes was less definite. "Four votes," so runs the rule,<sup>3</sup> "shall be cast by the delegates at large of each state and each congressional district shall be entitled to two votes. The votes of each delegation shall be reported by its chairman." On the first ballot for president under this rule Maryland voted eleven for Bates. Cole objected on the ground that the Maryland delegation had not been instructed to vote for Bates. Armor, the chairman of the delegation, explained that the state convention had at first instructed

<sup>1</sup> The Free-Soil party, which may in some sense be considered the forerunner of the Republican party, held conventions in 1848 and in 1852. In the former the question of unit voting was not raised; in the latter the rule that each individual delegate should have one uncontrolled vote was adopted. See *New York Herald*, August 11, 12, 1848; and August 13, 1852.

<sup>2</sup> The rules of 1856 were reported from the committee on credentials. Beginning with 1860 and continuing down to the present time there has been a special committee on Rules and Order of Business. In the Democratic conventions up to 1852 no definite custom prevailed. Rules were commonly adopted in open convention without reference to any committee at all, although in 1832 a committee on "officers" reported the rules of that convention. Since 1852 rules have always been reported by the committee on permanent organization.

<sup>3</sup> *Official Proceedings*, 1860, p. 109.

the delegation, but later had changed the instruction to a mere recommendation. It was on the force of this recommendation that he had announced the vote as eleven for Bates. The chair then ruled that the announcement of the chairman must be accepted unless the convention decided otherwise. He therefore put the question to the convention:<sup>1</sup> "Shall the vote announced by the chairman be received by the convention as the vote of the state of Maryland? The question was decided in the negative." It is not stated by how large a majority the question was lost.

The three subsequent conventions made no change in the rule for the casting of votes save that in the third—that of 1872—a slight change in phraseology was introduced.<sup>2</sup>

The year 1876 marks the appearance of a desire among certain Republicans to introduce the Democratic custom into their party. The Louisiana delegation at its meeting just previous to the convention resolved in accord with state instructions to force a unit vote on the delegation.<sup>3</sup> In the New York meeting we are told that the "attempt of some of the Conkling men to enforce a unit vote failed."<sup>4</sup> And the Pennsylvania convention gave the following instructions to its delegates:<sup>5</sup> "Upon all questions to be brought before or arising in the convention, to cast the vote as a unit as a majority of the delegation may dictate." In the national convention itself, however, the rule which the committee reported was apparently perfectly unambiguous in its opposition to any unit voting. It reads as follows:<sup>6</sup> "In the record of the votes by states, the vote of each state . . . shall be announced by the chairman, and in case the votes . . . shall be divided the chairman shall announce the number of votes cast for any candidate, or for or against any propositions." I have said that this was apparently perfectly unambiguous. But Pennsylvania seemed determined to stand by her instruction, and her action raised objections which led to a somewhat extended discussion. Fifty-eight votes had been cast by that state for Hart-ranft; but two delegates desired to vote for Blaine and demanded that their votes be so recorded. The chair, after consulting the rule, decided "that it is the right of any and every member equally to vote his sentiments in this convention."<sup>7</sup> An appeal from the de-

<sup>1</sup> *Official Proceedings*, 1860, pp. 150-51.

<sup>2</sup> The rule is as follows: "Rule 2. Each state shall be entitled to double the number of its senators and representatives . . . according to the recent apportionment . . . The votes of each delegation shall be reported by its chairman." *Official Proceedings*, p. 24. For 1864 see *Official Proceedings*, p. 101-2. For 1868, see *ibid.*, p. 60.

<sup>3</sup> *New York Tribune*, June 14, 1876, p. 14.

<sup>4</sup> *Ibid.*, June 13, p. 1.

<sup>5</sup> *Ibid.*, June 14, p. 1.

<sup>6</sup> *Ibid.*, June 16, p. 5.

<sup>7</sup> *Ibid.*, June 17, p. 1.

cision was made, but the chair was sustained by a large majority ; the whole matter was reconsidered for discussion, after which the chair was again sustained, this time by a vote of 395 to 354.<sup>1</sup> The Louisiana delegation evidently receded from the position taken in its preliminary meeting, for the vote of that state was divided throughout.

The only serious attempt to introduce unit voting into the Republican conventions was made in 1880—not because any one was enamored of the custom, but because certain men had special ends in view and thought to serve them by its use. A desperate effort was made to nominate General Grant for a third term. Senator Conkling of New York, Senator Cameron of Pennsylvania and Senator Logan of Illinois set themselves to work to give their candidate the prestige of an undivided vote from those states. This could be done only by shrewd management, because the third-term doctrine was very unpopular. In Pennsylvania and New York conventions were held early and unit instructions were passed with no great difficulty.<sup>2</sup> In Illinois more method had to be used. The Grant men secured control of the organization and the chair appointed a committee to report a list of delegates to the national convention. The time-honored custom was for the delegation from each district in the state to appoint its own national delegate ; but the new plan of a committee left them no choice and resulted in a solid Grant delegation from Illinois.<sup>3</sup> The same tactics apparently had been used in many of the county conventions previously.<sup>4</sup> Besides these states, Arkansas, Alabama and Texas were also instructed to vote as a unit for General Grant.<sup>5</sup>

The revolt began at once. In Illinois, indignation meetings were held throughout the state,<sup>6</sup> and anti-Grant delegates were sent to the convention.<sup>7</sup> Many of the New York and Pennsylvania delegates stated their intention, as the time drew near, not to abide by the instructions which they had received.<sup>8</sup> Nevertheless the leaders continued in their determination to nominate General Grant by forcing the unit rule upon the convention. The plan of action seems to have been somewhat as follows :<sup>9</sup> Senator Cameron, who was chairman of the national committee, was to call the convention

<sup>1</sup> *Ibid.*, p. 7.

<sup>2</sup> *New York Tribune*, May 14, 1880, p. 4 ; *Chicago Tribune*, May 14, p. 4.

<sup>3</sup> *Ibid.*, May 22, 1880, p. 1, 4.

<sup>4</sup> *Chicago Tribune*, May 14, 1880, p. 1.

<sup>5</sup> *New York Tribune*, May 28, 1880, p. 4.

<sup>6</sup> *Ibid.*, May 27, 1880, p. 1.

<sup>7</sup> *Ibid.*, June 5, p. 5.

<sup>8</sup> *Ibid.*, May 5, p. 5, and May 6, p. 1.

<sup>9</sup> *Ibid.*, May 26, p. 1.

to order, and present the temporary chairman, which that committee had selected, to the convention. If a Grant man, he was to rule that all the delegations, which were under state instructions to vote as a unit, must abide by those instructions. If an anti-Grant man (which was not improbable since the national committee was thought to have a majority who were opposed to Grant), some one was to move to substitute the name of a Grant man in his stead and in the ballot Senator Cameron would enforce the unit vote on all instructed states. Such was the plan of the supporters of General Grant to secure for themselves the organization of the convention. But the matter never reached the convention at all. It was fought out in the preliminary meeting of the national committee. It turned out that about twenty-nine of the committee were anti-Grant men; and knowing well that some scheme was afoot to force the unit rule on the convention they presented the following resolution to the committee when they met:<sup>1</sup> “*Resolved*, That the committee recognize the right of each delegate in a Republican National Convention freely to cast and to have counted his individual vote therein according to his own sentiments, and, if he so decide, against any unit rule or other instructions passed by a state convention; which right was conceded without dissent and was exercised in the conventions of 1860 and 1868, and was after full debate confirmed by the convention of 1876; and has thus become a part of the law of Republican Conventions and until reversed by a convention itself must remain a governing principle.” The adoption of such a resolution would have been fatal to Senator Cameron’s plans, and he knew that a majority of the committee were in favor of it, because the twenty-nine anti-Grant members had held a caucus the evening before, in which they had denounced the practice of unit voting and had agreed to present such a resolution to the committee when it came together.<sup>2</sup> He therefore resolved upon a bold step. He refused to put the question when the resolution was offered, and declared every one out of order who tried to appeal from his decision.<sup>3</sup> In short he tried to intimidate the committee out of its simplest rights. His action led to a storm of denunciation. Meanwhile the anti-Grant men of the committee were quietly preparing to remove the senator from the chairmanship; but rather than submit to this he yielded and a compromise was effected. The unit rule was not enforced in the temporary organization and the senator was permitted to retain his position as chairman.<sup>4</sup>

<sup>1</sup> *New York World*, June 1, 1880, p. 1.

<sup>2</sup> *New York Tribune*, June 1, 1880, p. 1.

<sup>3</sup> *New York World*, June 1, 1880, p. 1.

<sup>4</sup> *New York Tribune*, June 1, 1880, p. 1.



This ended the matter. The convention organized quietly, with the anti-Grant men in control. Garfield was made chairman of the committee on rules, and the rule which he drew up then with reference to balloting by states has been retained by Republican conventions ever since. It is a model of precision, and makes unit voting impossible except in cases where the minority neglects or refuses to make any objection. It is as follows:<sup>1</sup> "Rule 8. In the record of the vote by states the vote of each state . . . shall be announced by the chairman, and in case the vote of any state . . . shall be divided, the chairman shall announce the number of votes cast for any candidate or for or against any proposition; but if exception is taken by any delegate to the correctness of such announcement by the chairman of his delegation, the president of the convention shall direct the roll of members of such delegation to be called and the result shall be recorded in accordance with the votes individually given." Neither Conkling, Cameron, nor Logan<sup>2</sup> made any attempt to cast the votes of their respective states as a unit; the votes of these states were divided from the first ballot. Of the Southern states which were uninstructed, Alabama, Kentucky and Texas cast undivided votes on the first ballot. Arkansas voted solidly for Grant throughout the convention.

During the convention the only question having any relation to unit voting was raised by the state of Michigan. The vote was on directing the committee on rules to report. Mr. Joy, stating that one of the delegates from Michigan was on the committee of credentials, wished to know if the delegation had the right to cast his vote in his absence, knowing how he would vote. But the chair decided against even this.<sup>3</sup>

With the exception of the convention of 1888, which substituted the rules of the national House of Representatives for Cushing's *Manual*, no changes have been made in the rules of the Republican national convention since 1880. The policy of this party with regard to state voting has thus been clear and consistent; each delegate has always been allowed to cast his own vote as he chooses under all circumstances.

Let us now recall the statements of Mr. Dallinger with which we started out. "Either in the form of a rule adopted by the convention, or in the form of instructions by the state conventions, this practice of having the majority of each state delegation cast the

<sup>1</sup> *Official Proceedings*, 1880, p. 152.

<sup>2</sup> The Grant delegates sent by the convention of Illinois were unseated by the committee on credentials. See *New York Tribune*, June 5, 1880, p. 5.

<sup>3</sup> *Official Proceedings*, 1880, p. 32. A convenient, full, and fairly accurate account of the convention of 1880 may be found in W. R. Balch's *Life of Garfield*.

entire vote of the state soon became firmly fixed in the proceedings of both the leading political parties. The first successful revolt against this disregard of the rights of the minority occurred in the national convention of the Republican party in 1876." "This undemocratic custom . . . was abandoned by the Republicans in 1880; but it still prevails in a modified form in the national councils of the Democratic party."

It is clear that these statements are wide of the mark. The assertion that the custom soon became firmly fixed in the conventions of both the leading political parties is not true from any point of view. In the Republican conventions it never was knowingly tolerated at all. No minority, that is to say, ever made a protest against the use of the unit rule in the Republican convention which was not sustained. Neither can it be safely said that the custom soon became firmly fixed in the proceedings of the Democratic convention, and exists now in a modified form only. The evidence shows rather that there has been very little modification of the custom as it has prevailed in Democratic conventions since 1860; and that little has been in the direction of its establishment on a firmer and firmer basis. Again, Mr. Dalinger says that the "first successful revolt" against this practice was made in the Republican convention of 1876 and that its final abandonment by that party was completed in 1880. This, again, is in no sense the case. Say rather that in 1876 the first important attempt was made to introduce the custom into the Republican convention, but unsuccessfully; and that in 1880 the consistent practice of that party was crystallized in a rule which secured future conventions from all attempts of a similar nature. The whole matter may be stated briefly in this fashion: The national convention of the Democratic party has always allowed states to use the unit rule; the national convention of the Republican party has never allowed them to use it.

This, then, is the way in which each of the great parties has viewed the unit rule; and here, manifestly, is to be seen—what we have been seeking all along—the difference between the two types of convention. One allows the state to instruct its delegation as it chooses, and in doing so it defers to the state as the final authority; it recognizes an authority higher than itself. The other does not allow a state to instruct its delegation, except in conformity with its own rules, and in refusing to do so it overrules the authority of the state; it recognizes no authority higher than itself. The difference is in essence that between states' rights and nationalism. The privilege which the Democratic party gives to the states of casting

their votes as a unit is, in this sense, a survival of that doctrine which is so old and so effective a tradition in the party ; representative of one persistent tendency which remains unaffected by all its changing organizations—a tendency towards localism, a protest against centralization. “ I bid you consider long and well,” is the exclamation of Mr. Fellows, “ before you strike down . . . the sovereign power of our state expressed by the unanimous will of its delegates.”<sup>1</sup> “ I know,” says Mr. Doolittle, “ that in the Republican party—a party which believes that Congress and the Federal Government have every power which is not expressly denied, and that the states have hardly any rights left which the Federal Government is bound to respect—they can adopt in their convention this idea that a state does not control its own delegation in a national convention. Not so in the convention of the great Democratic party. We stand, Mr. President, for the rights of the states.”<sup>2</sup> But it may be said that the Republican party, in allowing each district to vote independently of the state, really stands for localism much more than the Democratic party, which makes the state the unit. It is to be remembered, however, that the Republican party does not recognize units of any sort, political or geographical ; there are two delegates from each district and each delegate is master of his own vote. “ The principle which is involved in this controversy,” said Mr. Atkins of Kansas in the Republican convention of 1876,<sup>3</sup> “ is whether the state of Pennsylvania shall make laws for this convention ; whether this convention is supreme and shall make its own laws. We are supreme. We are original. We stand here representing the great Republican party of the United States and neither Pennsylvania nor New York nor any state can come in here and bind us down with their caucus resolutions.” Here then is each side clearly stated by its own advocate. Mr. Doolittle says, “ We stand for the rights of the states,” but Mr. Atkins says, “ The great Republican party shall not be bound down by the caucus resolutions of any state.”

That the Republican convention should reveal centralizing tendencies and the Democratic convention decentralizing tendencies will not seem strange, perhaps, to those who are familiar with American history ; for these institutions are only representative of the parties under whose care they have been established. The Democratic party in its origin may be traced back to the speculative individualism of the eighteenth century. Its formative period was at a time

<sup>1</sup>*Official Proceedings, Democratic National Convention, 1884*, pp. 10-11.

<sup>2</sup>*Ibid.*, p. 16.

<sup>3</sup>*New York Tribune*, 1876, June 17, pp. 6-7.

when men were engaged in defining the Constitution—when an effort was being made to estimate justly the powers and privileges which had already been gained. From this effort and under these influences, the party emerged with the cardinal doctrines of strict construction and states' rights. For seventy years the party was, with few exceptions, the predominating one; but to an increasing degree it found its influence limited to the Southern states, where its doctrines became increasingly the creed of all men. By 1860 the Democratic party had lost control of the North, while in the South it could assert the absolute sovereignty of the states, and the indisputable right of secession. The war decided otherwise; but the party, still persisting, has until recently found its main strength, as always, in the South. The old doctrine of states' rights, it is true, is no longer advocated even in the South, but it nevertheless lives on, influencing the minds of men as a powerful tradition, leading them to protest at every opportunity against the centralizing spirit of the time.

The Republican party, on the other hand, had its origin in discussions over a question of moral right and justice. Its formative period was at a time, not when powers were to be estimated, but when rights were to be asserted; its existence did not depend on interpretation, but on force. It looked eagerly to the central government for the exercise of this force as the only power through which its own principles could be maintained. It turned to the central government, not because of its theories, but because of its necessities; and the war only increased this habit of looking for a central power—a directing force—which, of necessity if not of right, subordinated everything to itself. This was its necessary outcome, because the “saving of the Union” and its reconstruction—results to be accomplished at any cost—made the effective centralization of power necessary for success. It is not strange, therefore, that a party with the tradition of a four years' dictatorship and the memory of an “absolute Congress”; with firm faith in the utility of law and the potency of government for good; above all feeling that the doctrine of states' rights was the justification of “traitors” for the destruction of the Union—the Union which it saved—it is not strange that the tendency of such a party should make for centralization and not for localism.

Nor is it strange that these two parties, in moulding the convention idea for its highest work, should divide on what is perhaps the most distinguishing principle of their respective organizations.

CARL BECKER.

## DOCUMENTS

### *1. Accounts of Star Chamber Dinners, 1593-4.*

At the close of the day's work in the Court of Star Chamber, the judges and clerk of the court and, on some occasions, the solicitor and attorney-general, dined at the public expense in the adjoining dining-room commonly called the Inner Star Chamber. This custom dated at least from the beginning of the reign of Henry VIII. Among the Lansdowne collections in the British Museum are a number of manuscripts which throw light on the menus and expenses of these repasts and give some idea of what was regarded as a good dinner in the sixteenth century. Although at different times the Court of Star Chamber sat on different days of the week until, in the reign of Elizabeth, Wednesday and Friday became the customary Star Chamber days, Friday seems always to have been a favorite day, and in glancing over the elaborate bills of fare of some of the "fishdays" a suspicion arises that a weakness on the part of the "Lords of the Star Chamber" for the products of the sea may have had something to do with the determination of the court days.

Lansdowne MS. 1, Art. 49, is an account of the expenses of seventeen Star Chamber dinners "before Wolsey was Cardinal, 1509," to which is affixed, among other signatures, that of Wolsey as Bishop of Durham. The total cost of these dinners was £35 os. 5d. In Lansdowne MS. 69, Art. 6, is preserved "A note of the chardges of dynners of a fleshday and a dynner on a fishday in the Starre chamber" in the years 10, 13, 14, 15, 24, 25, 26, 29, 30 and 33 Henry VIII. The least expensive "fleshday" dinner, that of Thursday, July 4, 30 Henry VIII., cost 30s. 7d., but on Monday, July 14, 14 Henry VIII., the expenses rose to 76s. 4d., and on Monday, May 4, 26 Henry VIII., when the ambassadors of Scotland were guests of the Lords, the cost of the dinner was £4 11s. 8d. The least expensive "fishday" dinner cost 43s. and the most expensive, that of January 26, 33 Henry VIII, cost 79s.

In Lansdowne MS. 58, Art. 60, will be found the itemized accounts of a "fleshe dinner" and a "fish daie" in February 1588, together with an estimate of the total expense of the Star Chamber

dinners of the year. The six dinners of "Candelmas Terme" cost £103 13s. 6d; the eight dinners of Easter Term cost £138 4s. 8d.; the six dinners of Midsummer Term cost £103 13s. 6d. and the sixteen dinners of Michaelmas Term cost £276 9s. 4d.—making a total expense of £622 1s.

Lansdowne MS. 59, Art. 41, contains itemized accounts of six Star Chamber dinners in 1588 and 1589, the most expensive of which cost £21 9s. 11d., the least expensive £15 8s. 10d.

The economical Lord Burghley seems to have been disturbed by the growing extravagance of these dinners. On one of the leaves of Lansdowne MS. 1, Art. 44, are some notes in his own handwriting of the cost of the Star Chamber dinners of 1559, 1579, and 1590. According to these notes "the ordinary chardgs of a dynner" in 1559 were £4 10s. or £5 9s., while in 1579 they were £8 or £10, and in 1590 £17 or £18. The total cost of the dinners of 1590 was £1130—enough to alarm any Lord Treasurer.

All of the manuscripts just quoted are of interest, but of still greater interest, because the accounts it contains are more minutely and carefully made out, is additional MS. 32117 D., which is here published entire. The investigations of Burghley, whose signature, together with that of the Lord Keeper Puckering, appears at the end of the manuscript, may be responsible for the extreme minuteness of these accounts, and it is worthy of notice that the most expensive of these dinners cost £15 12s. 10d., which is a little less than the average cost of the dinners of 1590. It may be that Burghley put an end to the Star Chamber dinners altogether, for Hudson, in his *Treatise on the Court of Star Chamber*, written during the reign of James I., says that the custom of dining in the court was suspended for a time. "Yet surely," he adds, "it was happily renewed: it being a means of dispatch of much business, which, for the sparing of little money, was disappointed."

CORA L. SCOFIELD.

Diett dominorum Consilii CLXVI<sup>11</sup> V<sup>s</sup> V<sup>d</sup> ob.<sup>1</sup>

So<sup>ur</sup> 2 p Stanley et allocat<sup>r</sup> ei Terminis Michs et Pasche 1593 et 1594.  
Termino sancti Hillary 1593.

Thexpences of the dyetts provided for  
the Queenes ma<sup>ties</sup> most honorable  
Counsell at her Graces Starre-chamber  
During this Hillarye terme in the yeare  
of the raigne of our most soueraigne  
ladye queene, Elizabeth &c the XXXVI<sup>th</sup>.  
1593. viz.

Die Veneris XXV<sup>to</sup> Imprimis in bread<sup>3</sup>—XXII<sup>s</sup> in beere—VII<sup>s</sup> } XL<sup>s</sup> VI<sup>d</sup>  
die January. 1593. VI<sup>d</sup> in Ale—V<sup>s</sup> in flower—VI<sup>s</sup> \_\_\_\_\_

Praesentibus	Item in Oysters—III <sup>s</sup> in sweet butter—II <sup>s</sup> in	} my L. cheiffe Barron
my L. of Cant.	old Ling <sup>4</sup> —X <sup>s</sup> in Greene fishe—VIII <sup>s</sup> in	
my L. Keeper	salte Salmon—VIII <sup>s</sup> in salt Eeles—IX <sup>s</sup> in	}
my L. of Buckhurst	Pykes—XVI <sup>s</sup> in Carpes—XVI <sup>s</sup> in Breames	
my L. Stafford	—XIII <sup>s</sup> in Tenches—VII <sup>s</sup> in Knobberds	}
my L. B. of Worcester	—II <sup>s</sup> VI <sup>d</sup> in great Eeles—VIII <sup>s</sup> in Whittings—	
my L. Northe	XIII <sup>s</sup> in Perches—VIII <sup>s</sup> in Flounders—	}
Sir John Fortescue	III <sup>s</sup> in Rochetts—VI <sup>s</sup> in Shrimpes—XVIII <sup>d</sup>	
Sir Tho : Hennage	in Playce <sup>5</sup> —VII <sup>s</sup> in Sooles—VI <sup>s</sup> in Trowtes	}
my L. cheiffe Justice	VII <sup>s</sup> in Barbells <sup>6</sup> —V <sup>s</sup> in Crey fyshe—II <sup>s</sup> VI <sup>d</sup>	
of England	in Gurnerdes—VI <sup>s</sup> in Lampreis—III <sup>s</sup> in 1	XIII <sup>ii</sup> V <sup>s</sup> IIII <sup>d</sup>
	freshe Salmon and a chyne <sup>7</sup> —XXI <sup>s</sup> in Smelts	}
	—VII <sup>s</sup> in Scalopps—II <sup>s</sup> in lambe—III <sup>s</sup> IIII <sup>d</sup>	
	in Veale—II <sup>s</sup> IIII <sup>d</sup> in Coddcs—III <sup>s</sup> in	}
	Woodcocks—III <sup>s</sup> in Capons—V <sup>s</sup> in Quinces	
	—VI <sup>s</sup> in Crabbes—III <sup>s</sup> in Partridges—V <sup>s</sup> in	Mr. Cromwell
	Larkes—XX <sup>d</sup> in Creame—II <sup>s</sup> VI <sup>d</sup> in pounded	}
	butter—VIII <sup>s</sup> in Apples—II <sup>s</sup> in Orringes	
	and Lemmans—XX <sup>d</sup> in Eggs—VI <sup>s</sup> in bar-	}
	berries—XII <sup>d</sup> in Rosewater—XII <sup>d</sup> in por-	
	tage—III <sup>s</sup> in boatehire in all—III <sup>s</sup> IIII <sup>d</sup> in all	Mr. Mylles <sup>8</sup>

Sm<sup>a</sup>—XV<sup>ii</sup> V<sup>s</sup> X<sup>d</sup>.

p<sup>r</sup> 9

<sup>1</sup> Obolus, a halfpenny.

<sup>2</sup> "Solvitur."

<sup>3</sup> Throughout these accounts the payment follows the purchase.

<sup>4</sup> A kind of codfish.

<sup>5</sup> Also spelled "plaise" and "playse."

<sup>6</sup> Isaac Walton says, "a barbel, though he be of a fine shape, and looks big, yet he is not counted the best fish to eat, neither for his wholesomeness nor his taste."

<sup>7</sup> A kind of salmon.

<sup>8</sup> William Mill, made clerk of the Court of Star Chamber in 15 Elizabeth.

<sup>9</sup> For "probatum". The auditor's mark of verification. In the manuscript it is generally above or on a line with the sum audited.



Die Mercurii XXX<sup>mo</sup> Imptimis in breade—XXIII<sup>s</sup> in Beere VII<sup>s</sup> } XII<sup>s</sup> VI<sup>d</sup>  
 die Januarii. 1593. VI<sup>d</sup> in Ale—V<sup>s</sup> in flower—VI<sup>s</sup> \_\_\_\_\_

Praesentibus	Item in Oysters—III <sup>s</sup> in XVI <sup>ten</sup> stone of	
my L. of Cant.	beeffe at XX <sup>d</sup> the stone <sup>1</sup> —XXVI <sup>s</sup> VIII <sup>d</sup> in	my L. cheiffe Justice
my L. Keeper	Bacon—III <sup>s</sup> in Neats touns—VI <sup>s</sup> in Joynts	my L. chieffe Barron
The Earle of Essex	of Mutton to boyle and to rost—XII <sup>s</sup> in	Sir Wiltm Manering
my L. Admirall	Joynts of Veale to rost and for Pyes—XII <sup>s</sup>	
my L. of Buckhurst	in Suett—II <sup>s</sup> VIII <sup>d</sup> in Marrowebones—II <sup>s</sup> in	
my L.B. of Worcester	Lambe—X <sup>s</sup> in zeame <sup>2</sup> for Fritters—III <sup>s</sup> in	
Sir John Fortescue	Capons—XVIII <sup>s</sup> VIII <sup>d</sup> in Turkeys <sup>3</sup> —XX <sup>s</sup>	XII <sup>II</sup> XI <sup>s</sup>
Sir Tho. Hennage	in Pulletts—XIII <sup>s</sup> III <sup>d</sup> in Partridgs—XVI <sup>s</sup>	
Sir Robte Cecill	VIII <sup>d</sup> in XII Mallards—XII <sup>s</sup> in Teales—X <sup>s</sup>	Mr. Wade
	in Woodcocks—X <sup>s</sup> in Plouers—XII <sup>s</sup> in	Mr. Crumwell
	Snyts—X <sup>s</sup> in larks—V <sup>s</sup> in Rabbetts—VI <sup>s</sup>	Mr. Mylles
	VIII <sup>d</sup> in hearbes—III <sup>s</sup> III <sup>d</sup> in Eggs—VI <sup>s</sup>	
	in pounded butter—X <sup>s</sup> in Creame—II <sup>s</sup> III <sup>d</sup>	
	in Apples for tarts—II <sup>s</sup> in Orringes and	
	lemans—XII <sup>d</sup> in Rose Water—XII <sup>d</sup> in Bar-	
	berries—XII <sup>d</sup> in portage—III <sup>s</sup> III <sup>d</sup> in Boat-	
	hire in all—III <sup>s</sup> III <sup>d</sup> in all _____	

Sm<sup>a</sup>—XIII<sup>II</sup> XII<sup>s</sup> VI<sup>d</sup>

p<sup>r</sup>

<sup>1</sup> In the accounts of the dinner of February 5, 1588, in Lansd. MS. 58, Art. 60, beef is quoted at 2s. the stone, while thirteen joints of mutton for that occasion cost 24s. and nine joints of veal 22s. 6d.

<sup>2</sup> Lard.

<sup>3</sup> In Baker's *Chronicle* it is stated that about 15 Henry VIII., "it happened that divers things were newly brought into England, whereupon this rhyme was made :

Turkeys, Carps, Hoppes, Piccarel and Beer,  
 Came into England all in one year."

Die Veneris Primo die Febr. 1593.	Imprimis in Breade—XXIII <sup>s</sup> in Beere— VII <sup>s</sup> VI <sup>d</sup> in Ale—V <sup>s</sup> in flower—V <sup>s</sup> ————	} XL <sup>s</sup> VI <sup>d</sup>
Praesentibus my L. of Cant. my L. Keeper The Earle of Essex my L. Admirall my L. of Buckhurst my L. B. of Worcester Sir John Fortescue my L. chieffe Justice of England Sir Edw. Stafford	Item in Oysters—III <sup>s</sup> in sweet butter—II <sup>s</sup> in ould Lyng—XIII <sup>s</sup> in Greene fyshe— IX <sup>s</sup> in salt Salmon—IX <sup>s</sup> in great Pykes— XII <sup>s</sup> in smaller Pykes—V <sup>s</sup> in great Carpes —XII <sup>s</sup> in smaller Carpes—V <sup>s</sup> in III great Breames—XIII <sup>s</sup> in Tenches—VIII <sup>s</sup> in Perches—VI <sup>s</sup> in Spratts—IIII <sup>d</sup> in great Eeles—VIII <sup>s</sup> in Knobberds—II <sup>s</sup> VI <sup>d</sup> in Redd herring—XII <sup>d</sup> in Flounders—V <sup>s</sup> in Creyfishe—II <sup>s</sup> in Gurnerds—XIII <sup>s</sup> in Whit- ings—XV <sup>s</sup> in Smelts—VI <sup>s</sup> in i freshe Sal- mon and a Chyne—XVIII <sup>s</sup> in Lambe—III <sup>s</sup> IIII <sup>d</sup> in veale—II <sup>s</sup> IIII <sup>d</sup> in Capons—V <sup>s</sup> in Rochetts—VIII <sup>s</sup> in Salt Eeles—IX <sup>s</sup> in Woodcocks—IIII <sup>s</sup> in Partridgs—V <sup>s</sup> in Stockefishe <sup>1</sup> —III <sup>s</sup> in Shrimpes—XX <sup>d</sup> in larks—XX <sup>d</sup> in Quinces—VI <sup>s</sup> in hearbes— III <sup>s</sup> IIII <sup>d</sup> in Creame—II <sup>s</sup> IIII <sup>d</sup> in pounded butter—XV <sup>s</sup> in Apples for tarts—XVI <sup>d</sup> in Eggs—VIII <sup>s</sup> in Barberryes—XII <sup>d</sup> in Rose- water—XII <sup>d</sup> in Orenge and Leamans— XX <sup>d</sup> in portage—III <sup>s</sup> in Bootehire in all— III <sup>s</sup> ————	} Sir Henry Goodyere  Mr. Attorney  XII <sup>a</sup> XVIII <sup>s</sup> VI <sup>d</sup>  Mr. Solicitor Mr. Ashley Mr. Mylles

Sm<sup>a</sup>—XIII<sup>u</sup> XIX<sup>s</sup>

p<sup>r</sup>

<sup>1</sup> Dried codfish or haddock.

Die Mercurii VI <sup>to</sup> die Febr. 1593	Imprimis in Breade—XXIII <sup>s</sup> in Beere—VII <sup>s</sup> VI <sup>d</sup> in Ale—V <sup>s</sup> in flower—V <sup>s</sup> _____	XL <sup>s</sup> VI <sup>d</sup>
Praesentibus my L. of Cant. my L. Keeper my L.B. of Worcester my L. of Buckhurst Sir John Fortescue Sir John Wolley Sir Robt <sup>e</sup> Cecill my L. cheiffe Justice of England	Item in Oysters—IIII <sup>s</sup> in XVI <sup>ten<sup>e</sup></sup> stone of beeffe at XX <sup>d</sup> the stone—XXVI <sup>s</sup> VIII <sup>d</sup> in Bacon—IIII <sup>s</sup> in Neats Toungs—VIII <sup>s</sup> in Joynts of Mutton to boyle and to rost— XII <sup>s</sup> in Joynts of Veale to rost—XII <sup>s</sup> in II Joynts of Veale for Pyes—III <sup>s</sup> in Suett— III <sup>s</sup> in Marrowebones—II <sup>s</sup> in zeame for Fritters—IIII <sup>s</sup> in Lambe—X <sup>s</sup> in Capons— XVI <sup>s</sup> VIII <sup>d</sup> in Turkeyes—XVIII <sup>s</sup> in Pulletts —XIIII <sup>s</sup> in Partridges—XV <sup>s</sup> in Mallards— IX <sup>s</sup> in Teales—VIII <sup>s</sup> in Woodcocks—X <sup>s</sup> in plouers—XII <sup>s</sup> in Snytes—VIII <sup>s</sup> in Larkes— V <sup>s</sup> in Rabbetts—VI <sup>s</sup> VIII <sup>d</sup> in hearbes—III <sup>s</sup> IIII <sup>d</sup> in Eggs—VIII <sup>s</sup> in pounded butter— XII <sup>s</sup> in Creame—II <sup>s</sup> IIII <sup>d</sup> in Apples for Tarts—II <sup>s</sup> IIII <sup>d</sup> in Orrenge and lemons— XII <sup>d</sup> in Rose Water—XII <sup>d</sup> in Barberryes— XII <sup>d</sup> in portage—III <sup>s</sup> IIII <sup>d</sup> in Bootehire in all —III <sup>s</sup> IIII <sup>d</sup> in all _____	Sir Tho. Mildmaye Sir Henry Knevett Sir Martyn Frobyser XII <sup>II</sup> VIII <sup>s</sup> VIII <sup>d</sup> Mr. Attorney Mr. Solicitor Mr. Asheley Mr. Mylles Sm <sup>s</sup> —XIIII <sup>II</sup> IX <sup>s</sup> II <sup>d</sup> p <sup>r</sup>

Die Veneris VIII<sup>o</sup> Imprimis in Bread—XXIII<sup>s</sup> in Beere—VII<sup>s</sup> } XL<sup>s</sup> VI<sup>d</sup>  
die Febr. 1593. VI<sup>d</sup> in Ale—V<sup>s</sup> in flower—V<sup>s</sup>

Praesentibus	Item in Oysters—IIII <sup>s</sup> in sweet Butter—II <sup>s</sup>	
my L. of Cant.	in ould Lyng—XV <sup>s</sup> in Grene Fishe—IX <sup>s</sup> in	Serieaunt Fleetwood
my L. Keeper	salt Salmon—IX <sup>s</sup> in great Pykes—XII <sup>s</sup> in	
my L.B. of Worcester	smaller Pykes—V <sup>s</sup> in great Carpes—XII <sup>s</sup> in	
my L. of Buckhurst	smaller Carpes—V <sup>s</sup> in great Breames—XIIII <sup>s</sup>	
Sir John Fortescue	in Tenches—X <sup>s</sup> in Perches—VIII <sup>s</sup> in great	Sir Martyn Frobyser
Sir John Wolley	Eeles—VIII <sup>s</sup> in Knobberds—III <sup>s</sup> in Her-	
Sir Robte Cecill	rings—XII <sup>d</sup> in Trowts—VI <sup>s</sup> in Creyfishe—	
my L. cheiffe Justice	II <sup>s</sup> in Gurnerds—XII <sup>s</sup> in Whittings—XIIII <sup>s</sup>	
of England	in salt Eeles—VI <sup>s</sup> in one freshe Salmon and a	
Doctor Abrey	Chyne—XVIII <sup>s</sup> in Smelts—VI <sup>s</sup> in Rocketts	
	—VIII <sup>s</sup> in Lambe—III <sup>s</sup> IIII <sup>d</sup> in Veale—II <sup>s</sup> XIII <sup>ii</sup> XI <sup>s</sup> VIII <sup>d</sup>	
	IIII <sup>d</sup> in Capons—V <sup>s</sup> in Woodcocks—IIII <sup>s</sup> in	
	Stockfishe—IIII <sup>s</sup> in Partridgs—V <sup>s</sup> in Larkes	Mr. Assheley
	—XX <sup>d</sup> in Scaloppes—III <sup>s</sup> in Shrimpes—	
	XVI <sup>d</sup> in Lamperns—VI <sup>s</sup> in Turbott—VII <sup>s</sup> in	Mr. Mylles
	Quinces—VI <sup>s</sup> in hearbes—III <sup>s</sup> IIII <sup>d</sup> in	
	Creame—II <sup>s</sup> VIII <sup>d</sup> in Pounded butter—XII <sup>s</sup>	
	in Apples for Tarts—XII <sup>d</sup> in Eggs—VI <sup>s</sup>	
	VIII <sup>d</sup> in Barberryes—XII <sup>d</sup> in Rose Water	
	—XII <sup>d</sup> in Orrenge and lemons—XII <sup>d</sup> in	
	portage—III <sup>s</sup> in Bootehire in all—III <sup>s</sup> IIII <sup>d</sup>	
	in all	

$$\text{Sm}^{\text{a}} \text{ XV}^{\text{li}} \text{ XII}^{\text{s}} \text{ II}$$
 $\underline{p}^r$

Die Mercurii XIII<sup>o</sup> Imprimis in Bread—XXIII<sup>s</sup> in Beere—VII<sup>s</sup> } XL<sup>s</sup> VI<sup>d</sup>  
die Febr. 1593 VI<sup>d</sup> in Ale—V<sup>s</sup> in flower V<sup>s</sup>

Item in Oysters—IIII<sup>s</sup> in sweet butter—II<sup>s</sup> in ould Lyng—XII<sup>s</sup> in Greenefishe—IX<sup>s</sup> in salt Salmon—IX<sup>s</sup> in great Pykes—XII<sup>s</sup> in smaller Pykes—V<sup>s</sup> in great Carpes—XII<sup>s</sup> in smaller Carpes—V<sup>s</sup> in great Breames—XIIII in Tenches—IX<sup>s</sup> in Perches—VIII<sup>s</sup> in great Eeles—VIII<sup>s</sup> in Knobberds—II<sup>s</sup> in salt Eeles—VIII<sup>s</sup> in Flounders—V<sup>s</sup> in Trowts—VI<sup>s</sup> in Creyfishe—III<sup>s</sup> in Gurnerds—X<sup>s</sup> in Whittings—XII<sup>s</sup> in Lamperns—IIII<sup>s</sup> in one freshe Salmon and a Chyne—XVI<sup>s</sup> VIII<sup>d</sup> in Smelts—VI<sup>s</sup> in Rochetts—V<sup>s</sup> in Playce—VII<sup>s</sup> in Shrimpes—XII<sup>d</sup> in veale—II<sup>s</sup> IIII<sup>d</sup> in lambe—III<sup>s</sup> IIII<sup>d</sup> in Capons—V<sup>s</sup> in Stockfishe—IIII<sup>s</sup> in Woodcocks—IIII<sup>s</sup> in Partridgs—V<sup>s</sup> in Quinces—VI<sup>s</sup> in Larkes—XX<sup>d</sup> in hearbes—III<sup>s</sup> IIII<sup>d</sup> in one Turbott—VII<sup>s</sup> in Creame—II<sup>s</sup> VIII<sup>d</sup> in pounded butter—XII<sup>s</sup> in Apples for Tarts—XVI<sup>d</sup> in Eggs—VIII<sup>s</sup> in Barberries—XII<sup>d</sup> in Rose-Water—XII<sup>d</sup> in Orrenges and lemons—XX<sup>d</sup> in portage—IIII<sup>s</sup> in Bootehire in all—IIII<sup>s</sup> IIII<sup>d</sup> in all

Sir Michaell Blunt  
Sir John Smythe  
Sir Edw : Hobbye  
Sir Henry Knevett

XIII<sup>li</sup> XII<sup>s</sup> IIII<sup>d</sup>

Mr. Assheley

Mr. Crumwell

Mr. Mylles

$$\text{Sm}^{\text{a}} - \text{XV}^{\text{li}} \quad \text{XII}^{\text{s}} \quad \text{X}^{\text{d}}$$
 $\mathbb{P}^r$ 

Sm<sup>a</sup> Total of the  
charges of  
thataforesaid sixe  
Dinners

$$\text{IIII}^{\text{xx}}\text{X}^{\text{li}} \quad \text{XI}^{\text{s}} \quad \text{VI}^{\text{d}}$$

$p^{\text{ar}}$

Hereafter ensueth all manner of provitions necessarye for the furniture of the dyetts aforsaid provided in the Starchamber for the Q. ma<sup>ties</sup> most honorable Counsell during this Hillary Tearme.

1593.

Imprimis for VII loads of great Coales at XXV<sup>s</sup> the loade—VIII<sup>li</sup> XV<sup>s</sup> Item for XVIII sakes of small Coles at VII<sup>d</sup> the sacke—X<sup>s</sup> VI<sup>d</sup> Item for V<sup>c</sup> of faggotts at VI<sup>s</sup> VIII<sup>d</sup> the C—XXXIII<sup>s</sup> IIII<sup>d</sup> Item to Mr. Maior the Pewterer for II wyne gallons and VII Pyeplates weying XXXI<sup>li</sup> di<sup>1</sup> at VII<sup>d</sup> the li—XVII<sup>s</sup> XI<sup>d</sup> Item for IIII bussells of the best whyte salt at II<sup>s</sup> the b<sup>3</sup>—VIII<sup>s</sup> Item for III b<sup>3</sup> of baye salt at XX<sup>d</sup> the b<sup>3</sup>—V<sup>s</sup> Item for II sacks to putt the said salt in—III<sup>s</sup> IIII<sup>d</sup> Item for X gallons of the best whyte wyne vineger at II<sup>s</sup> the gallon—XX<sup>s</sup> Item for XIII gallons of the best Redwyne vineger at XX<sup>d</sup> the gallon—XXI<sup>s</sup> VIII<sup>d</sup> Item for XII gallons of the best verges<sup>2</sup> at X<sup>d</sup> the gallon—X<sup>s</sup> Item for III Rundletts<sup>3</sup> to putt the said vineger and verges in—IIII<sup>s</sup> VI<sup>d</sup> Item for boote-hire for the said salte and vineger at seuerall tymes—XVI<sup>d</sup> Item for earthen potts saucepotts, pipkins<sup>4</sup> and pannes spent in the kitchin this terme—IX<sup>s</sup> Item for fyne whyte salte spent at the Lords table this terme—XX<sup>d</sup> Item for Mustard and Onyons spent in the kitchin this terme—VI<sup>s</sup> Item for II newe basketts bought for the markett this terme—III<sup>s</sup> VIII<sup>d</sup> Item for a small basket to cary fruite in this terme—XVIII<sup>d</sup> Item for another close basket to cary and recarye the Naperye to and from the Starchamber this terme—III<sup>s</sup> IIII<sup>d</sup> Item for wast paper spent in the pasterye this Terme—III<sup>s</sup> Item for Broomes spent in the office of the Starchamber this terme—II<sup>s</sup> Item for clensing the withdrawing place—II<sup>s</sup> VI<sup>d</sup> Item for ale yeast in the kitchin this terme and for fetchng the same—III<sup>s</sup> IIII<sup>d</sup> Item for carrying the dust and soyle out of the kitchin and other offices there this terme—II<sup>s</sup> Item for perfumes for the Lords Dyneing Roome this terme—VI<sup>s</sup> Item for Can-

<sup>1</sup> *Dimidietas*, a half. The multiplication seems to be incorrect here.

<sup>2</sup> Verjuice. It was used in sauces and otherwise.

<sup>3</sup> Small casks. Also spelled runlet.

<sup>4</sup> Small earthen pots.

dells spent in the kitchin and Buttery this terme—II<sup>s</sup> Item for XII gallons di. of the best redd wyne to fill up thother hoggesheads of wyne at II<sup>s</sup> IIII<sup>d</sup> the gallon—XXIX<sup>s</sup> II<sup>d</sup> Item for a Case of Oyster knives—IIII<sup>s</sup> Item for XXXV hoopcs at II<sup>d</sup> ob the hoope—VII<sup>s</sup> III<sup>d</sup> ob Item for truggs<sup>1</sup> and trayes—IX<sup>s</sup> VIII<sup>d</sup> Item for a newe Flaskett<sup>2</sup>—II<sup>s</sup> VI<sup>d</sup> Item for sand and whiting to Scowre withall—XVIII<sup>d</sup> Item for II white brussches—VI<sup>d</sup> Item for IIII doozen of Russches to strawe the Lords Dyneing Roome at IIII<sup>s</sup> the doozen—XVI<sup>s</sup> Item for gathering together and keeping the vessell of the Starchamber this terme—VI<sup>s</sup> VIII<sup>d</sup> Item for dressing and keeping cleane of the Lords Dyneing Roome and other Roomes above this terme—III<sup>s</sup> IIII<sup>d</sup> Item for salt butter fetched from the Chandlers this terme aswell for the Raunge and pasterye as otherwise—XIII<sup>s</sup> IIII<sup>d</sup> Item for VIII ells of course canvas for wypercs and baggs against this terme—VIII<sup>s</sup> Item for heming and making of the said Wypers and Baggs and for thread—VI<sup>d</sup> Item to the Plomer for mending the Pypes—III<sup>s</sup> IIII<sup>d</sup> Item to him for soulder for the pypes—II<sup>d</sup> Item for a hearem<sup>3</sup> Roope to drye the wett naperye upon this terme—III<sup>s</sup> IIII<sup>d</sup> Item for carryeing and recaryeing the Starchamber plate—V<sup>s</sup> Item to John Gill for carryeing it to and from the Starchamber and for his Diligence and well looking to it—V<sup>s</sup> Item for II Cheshire cheeses bought for the Lords bord this terme—X<sup>s</sup> Item for III new streyners bought for this terme—II<sup>s</sup> VI<sup>d</sup> Item for larde to larde the Lords meat this term—V<sup>s</sup> Item for new glassing amending and leadding the glasse windowes in the Starrechamber in and against this terme—XXXVI<sup>s</sup> III<sup>d</sup> Item to Mr. Flint her maties Locksmyth for translating makeing and mending diuers lockes and keyes in and about the the Starchamber in and against this terme—III<sup>II</sup> VII<sup>s</sup> VIII<sup>d</sup> Item for a Case of knyves for the Lords bord this terme—VIII<sup>s</sup> Item to the Cowper for his paynes looking to the wynecs diuers tymes—

<sup>1</sup> Wooden baskets for carrying chips or vegetables; vide Halliwell's *Dict. of Archaic and Provincial Words*.

<sup>2</sup> A clothes-basket or a shallow washing-tub, according to Halliwell.

<sup>3</sup> Probably a misspelling of haeren or heren, made of hair.



VI<sup>s</sup> VIII<sup>d</sup> Item for his bootehire at seuerall tymes  
 —III<sup>s</sup> IIII<sup>d</sup> Item for XVII gallons of the best  
 sacke at III<sup>s</sup> IIII<sup>d</sup> the gallon—LVI<sup>s</sup> VIII<sup>d</sup> Item for  
 XVIII gallons of the best whyte wyne at II<sup>s</sup> the gal-  
 lon—XXXVI<sup>s</sup> Item for VI gallons of Muskadyne  
 at III<sup>s</sup> IIII<sup>d</sup> the gallon—XX<sup>s</sup> Item for V gallons  
 of Renishe wyne at III<sup>s</sup> IIII<sup>d</sup> the gallon—XVI<sup>s</sup>  
 VIII<sup>d</sup> Item for fawcetts and quills<sup>1</sup> for the wyne  
 Seller—II<sup>s</sup> Item for II newe Gimbletts—V<sup>s</sup> Item  
 for bottles to bring the Lords wyne this terme—  
 X<sup>s</sup> Item for pack threed this terme—VI<sup>d</sup> Item to  
 the Cowper for his wages—V<sup>s</sup> Item for his Boote-  
 hire—IIII<sup>s</sup> Item for strawing herbes and flowers for  
 the Lords Roome this terme—VIII<sup>s</sup> Item payed to  
 the Grocer for all manner of Spyces spent in and  
 about the Lords dyetts sixe dayes this terme as  
 appeareth by a bill Remayning—XIII<sup>ii</sup> XIII<sup>s</sup> VI<sup>d</sup>  
 Item for VI newe stooles—X<sup>s</sup> Item a newe presse  
 for the plate in the Starchamber—XXVI<sup>s</sup> VIII<sup>d</sup>  
 Item for a newe table in the Buttery—VII<sup>s</sup> Item  
 for mending the Starrechamber formes—III<sup>s</sup> Item  
 for mending the Raunge—III<sup>s</sup> IIII<sup>d</sup> Item for  
 portage and bootehire for the said Stuffe—III<sup>s</sup> IIII<sup>d</sup>  
 Item for mending the buttry stayres—II<sup>s</sup> Item  
 for pales—II<sup>s</sup> Item for a Coale shovell—XIII<sup>d</sup>  
 Item for sweping of the Starchamber Chymneys  
 —XVI<sup>d</sup> Item for II loads of gravell—II<sup>s</sup> Item for  
 vrinalls—VIII<sup>d</sup> Item for a hoggeshead of Beere  
 spent more than ordynary this term—VII<sup>s</sup> VI<sup>d</sup>  
 Item for one kilderkin<sup>2</sup> of Ale spent more  
 than ordinarye this terme—III<sup>s</sup> IIII<sup>d</sup> Item  
 in Wages. viz to Stephen Treake. M<sup>r</sup> Cooke  
 for his wages for VI dayes at VI<sup>s</sup> the daye—  
 XXXVI<sup>s</sup> Item to him for lending of his stuffe  
 this terme after IIII<sup>s</sup> the daye for VI dayes—  
 XXIII<sup>s</sup> Item to him for the Bootehire of himself  
 his men stuffe and necessaryes this terme—IIII<sup>s</sup>  
 Item to him for his paynes and travell in goeing  
 to the markett and in reward—XXX<sup>s</sup> Item to  
 Edward Tomlyns the Butler for his wages for VI  
 dayes after XII<sup>d</sup> the daye—VI<sup>s</sup> Item to him for

LXXV<sup>ii</sup> XIII<sup>s</sup> XI<sup>d</sup> ob  
 p<sup>r</sup>

<sup>1</sup> Barrel-faucets.

<sup>2</sup> A small barrel.

whyte Cupps and trenchers<sup>1</sup> at XII<sup>d</sup> the Dinner—VI<sup>s</sup> Item to him for drincking glasses for the Lords this terme—V<sup>s</sup> Item to him for Rosewater for the Lords table at XII<sup>d</sup> the Dinner for VI Dinners—VI<sup>s</sup> Item for sweet Powder to cast amongst the naperye this Terme—V<sup>s</sup> Item for fawcetts and quills for beere and Ale this terme—XII<sup>d</sup> Item for II Armeing knyves<sup>2</sup>—II<sup>s</sup> VI<sup>d</sup> Item to Thomas Gibson the under butler for keeping cleane and sweet the Pantrye and Sellar this terme—II<sup>s</sup> VI<sup>d</sup> Item to him for a Chipping knyfe<sup>3</sup>—VI<sup>d</sup> Item to him for bottles this terme—II<sup>s</sup> Item to him for glaseing the Case knyves this terme—VI<sup>d</sup> Item to the Laundres for washing the naperye VI dayes this terme at VIII<sup>s</sup> the daye—XLVIII<sup>s</sup> Item to the keper of the drye larder for his wages for seruing out of spices butter Eggs fruit and other necessaryes this terme after XII<sup>d</sup> the daye for VI dayes—VI<sup>s</sup> Item to the scowrer of the Starrechamber Vessell this terme for her wages—VIII<sup>s</sup> Item to Thomas Tucker the Porter for attending the doores VI dayes after XII<sup>d</sup> the daye—VI<sup>s</sup> Item to him for goeing to the markett this terme haveing IIII<sup>d</sup> euerye daye for VI dayes—II<sup>s</sup> Item to VII poore men laboring in the kitchin haveing VII<sup>d</sup> a daye a peece for VI dayes—XXIII<sup>s</sup> VI<sup>d</sup> Item to Nicholas Smythe for exercising the Stewards office as well for his wages as for his paynes and travell in going to the markett this Terme—XL<sup>s</sup> Item to William Goddard Vssher of the Starrechamber for diuers provitions and necessaryes provided and done for the Court of Starchamber as appereth by his Bill Remyning—V<sup>li</sup> XVII<sup>s</sup> VI<sup>d</sup> in all \_\_\_\_\_

<sup>1</sup> Wooden platters.

<sup>2</sup> An arming-sword was a two-handed sword. An arming-knife may have been something like a modern chopping-knife.

<sup>3</sup> Chippings were fragments of bread, a chipping-knife a bread-knife.

THE WHOLL CHARGES aswell of the dietts  
and provisions necessarye for the furniture of the  
same provided for the Queenes Ma<sup>ties</sup> most honor-  
able privye Counsell at her Graces Starre Cham-  
ber at westminster during this Hillary Terme in  
the XXXVI<sup>th</sup> yeare of her highnes most prosper-  
ous Raigne As also the wages of Certeine Officers  
and Ministers of the same. With—V<sup>th</sup> XVII<sup>s</sup> VI<sup>d</sup>  
layde out by the Vssher of the same Court as  
appeareth by his Bill Remyning—

CLXVI<sup>th</sup> V<sup>s</sup> V<sup>d</sup>. ob.  
XI<sup>o</sup> April 1594.  
Ex<sup>ar</sup> 1 Suma p Ric  
Sutton in absen' Jo.  
Thomson Aud.

Jo. Puckering C. S.

W. Burghley.

XXIX<sup>o</sup> Aprillis  
1594.

Mr. Staneley I praye you paye out Mr. Nicholas  
Smith the some of one hundred and threescore pounds  
thirtene shillings penny halpeny which some with  
three hundred pounds payd by you to him in Michas  
and Hillary termes last doth aswell make full payment  
of this Liberate<sup>2</sup> as of the some of two hundred four-  
score fourtene pounds, seven shillings eight pence  
uppon his Liberate for Michas terme aforesayd, 1593  
as by the same apereth.<sup>3</sup>

W<sup>m</sup> Skynner

2. *Letters of Bancroft and Buchanan on the Clayton-Bulwer Treaty,*  
1849, 1850.

THE letters printed below are taken from the voluminous papers  
and correspondence of the late Hon. Edmund Burke, of New  
Hampshire. Mr. Burke was a native of Vermont, but at the age  
of twenty-one removed to New Hampshire, in which state he held  
his residence until his death in 1882.

A lawyer by profession, he was from the days of Gen. Jack-  
son's presidency down to Mr. Buchanan's administration, inclusive,  
among the most notable of Democratic politicians and ablest of  
political writers in New England.

He first made his mark as editor of the *Argus* newspaper, pub-  
lished in Claremont, New Hampshire, in 1833. The next year,  
removing to the adjoining town of Newport, he consolidated the  
*Argus* with the *Spectator* published in that town, the consolidated

<sup>1</sup> For "examinatur."

<sup>2</sup> A writ ordering a payment to be made and beginning with this word.

<sup>3</sup> This note is not in the same handwriting as the rest of the manuscript.

sheet becoming the *Argus and Spectator*, a weekly journal which has flourished ever since.

In those days, when the metropolitan dailies had but scant circulation outside of urban centres, the country press wielded an influence in the discussion of political questions and in the moulding of public opinion little comprehended to-day. In such sphere of editorial direction, Mr. Burke had no superior. Having early in his young manhood espoused the Democratic faith, his editorials were so vigorous and aggressive in style, so able and incisive in statement, that they soon attracted the widest attention; so wide, indeed, that in 1837 he was invited by the late President Polk and Felix M. Grundy, then Speaker of the House and U. S. Senator respectively, to take the editorial chair of the *Nashville Union*, the leading Democratic newspaper published in Tennessee. After careful consideration of this offer, he concluded to accept it, and proceeded to wind up his affairs in connection with the *Argus and Spectator*, in order that he might take up his new line of work at Nashville with as little delay as possible. But his personal and political friends in New Hampshire, loath to have him leave them, urgently pressed him to remain among them, promising among other things to send him to Congress at the next election if he would do so. In those halcyon days of the New Hampshire Democracy, a Democratic nomination meant a sure election, and under such inviting prospects, Mr. Burke recalled his acceptance of the Nashville proposition and resumed his editorial labors on the *Argus and Spectator*, broken in upon from time to time as his three congressional terms, dating from 1839, demanded.

The general rule in New Hampshire has been to give a man in Congress only two terms, but it so happened that a Whig Congressman from Tennessee by the name of Arnold furiously assailed both Mr. Burke and his adopted state in a debate on the floor of the House. Among other things, Mr. Arnold demanded to know if Mr. Burke was "a descendant of 'Burke, the Burker,' or some other Burke?" When Mr. Burke arose to reply, he said he would answer the gentleman from Tennessee in true Yankee fashion by asking him another question. He would ask "if the gentleman from Tennessee was a descendant of Benedict Arnold, or of some other Arnold?" This happy retort brought down the cheers of the House, and his constituents, in their pride and delight at the spirited defence of New Hampshire and her people, that followed, gave him another term.

During his congressional career, Mr. Burke proved himself to be a ready and forceful debater, and as a member of important com-

mittees was often designated, because of his literary ability and his vigorous style of writing, to write the reports of the committees to be laid before the House. His letters also, known as the Bundelcund letters, written in favor of a low tariff, were so vigorous in presentation, so logical in statement, and so convincing in argument that they were circulated in every part of the country, and undoubtedly contributed in a large measure towards the formulation and enactment of the tariff act of 1846.

Taking active part in the presidential campaign of 1844, which resulted in the election of Mr. Polk, he was, soon after the inaugural ceremonies in Washington, tendered the office of Commissioner of Patents, a tender which he accepted. In his administration of that office it is believed that he brought it up to a higher standard of efficiency than it had ever known before. At the expiration of Mr. Polk's term, Mr. Burke was offered a connection with Mr. Thomas Ritchie as joint editor of the *Washington Union*, the then Democratic organ of the country. He remained in such connection one year, when, not agreeing with the more conservative ideas and methods of Mr. Ritchie, he withdrew from the partnership and resumed his residence in New Hampshire.

From that time forward he devoted himself to his profession, and especially in the line of patent law. But in his devotion to the law he by no means gave up his activities in political and editorial fields. To those familiar with New Hampshire politics, indeed, it goes without saying that Mr. Burke was largely instrumental in bringing about the nomination of Franklin Pierce for the presidency in 1852. Unfortunately, the relations of the two men became much strained during Mr. Pierce's incumbency of the presidential office, and the result was the demoralization of the Democratic party in the state, and its loss to the Democratic column of states thereafter.

In his eleven years of Washington life, Mr. Burke had made the acquaintance of the most distinguished men of the nation. His strong personality, devotion to party and stout maintenance of his political opinions won alike the admiration of his friends and the respect of his foes. Hence his correspondence was large and varied and covered many topics of public concern.

GEO. E. BELKNAP.

I. BANCROFT TO BUCHANAN.<sup>1</sup>

NEW YORK, 16 Nov. 1849.

Dear Mr Buchanan

Yours of the 14. is just received. I have not a copy of your letter to me on the Mosquito affair ; but remember its substance. You sent an

<sup>1</sup> From a copy enclosed in No. 11.

extract of your letter to Mr. Hise, in which you showed the total want of title on the part of Great Britain to any portion of Central America. To me, you wrote to consult with the Peruvian Minister ; and if possible to prevent Lord Palmerston's assuming the protectorate of Costa Rica, which state seemed to you not unlikely to place itself under England's wing. On the general subject, you wrote, that the disturbances and disputes among the states of Central America were so great, the president hardly knew what course : and *intimated* that some degree of order and union there must precede the intervention of the U. S. in their behalf.

This I followed up to Clayton, according to the spirit of your letter. Clayton replied by a copy of his letter to Squier, and instructing me to *converse* with the minister of Costa Rica, dissuading him from asking the protectorate of Great Britain. He also directed me to *converse* with Palmerston ; and in a certain emergency of which I was to judge, to *protest*,—and even menace a little. I was writing that protest as my recall came. Four days' more would have seen it in Lord P.'s hands.

Clayton will either back out, or throw the responsibility on Congress.

I kept a copy of Clayton's letter to me. Your letter to me on the Mosquito business was prudent and right ; and considering you had just signed a treaty for half of Mexico, went as far as was proper at the moment. Clayton went further, but I have no doubt, shrinks back from his own daring.

I went deeply into the study of the question : both as regards the tone of feeling in England : and as it regards title. I read in Paris every scrap of paper, relating to the negotiations in 1783, by which England pledged itself to evacuate the Mosquito Territory ; and had drawn from documents, which no one in our time but myself had read, which I may say no one ever before read (for I read English, French and Spanish documents), the clearest evidence as to the intent of the parties in 1783.

You are very good in your remarks about my history. I shall soon be at work again. My wife joins me in best regards.

Ever faithfully your friend,

GEORGE BANCROFT.

## II. BUCHANAN TO BURKE.

### *Strictly Private and Confidential*

Wheatland 3 Dec : '49.

My dear Sir

It is proper that you should know exactly what the late administration did in regard to the Mosquito question. I, therefore, send you the draft of the original instructions to M<sup>r</sup>. Hise and a letter which I received from M<sup>r</sup>. Bancroft. These you can frank back to me.

In order to understand the subject it is necessary to revert to the circumstances of the Country when Mr. Hise was sent to Guatemala. We had just closed the war with Mexico and indeed at the date of his instructions we had not learned the fate of the Treaty of Peace. The

Treaty was dated on the 22 Feb: 1848, the ratifications of it were exchanged at Queretaro on the 30<sup>th</sup> May and on the 3 June the Instructions to Hise were dated. It was not a moment to take a stand on the Mosquito question; although neither M<sup>r</sup> Polk nor any member of his Cabinet ever thought of abandoning the Monroe declaration at least so far as North America was concerned. We had no information from Central America at the time except that the five states of w<sup>h</sup> it had been composed were in a state of the utmost confusion, involved in civil wars and utterly incapable of helping themselves. One of these Costa Rica was believed to be willing to ask the protection of Great Britain. M<sup>r</sup> Hise was sent abroad to cultivate an American spirit and a spirit of reunion among them, in order to enable them to resist the encroachments of Great Britain. Had they refused to do anything for themselves or had been willing to cast themselves in the arms of England, as Costa Rica was, it would have been difficult to help them. M<sup>r</sup> Hise was delayed from sickness and various causes in reaching Central America to so late a period *that at the close of the late administration we had not received from him the information as to the State of the Country which he was instructed to communicate.* Indeed, according to my best recollection we had not heard from him at all after he reached Guatemala. We, therefore, did not tell England she should not interfere with the rights of the Central American States on the Isthmus; though I think you will admit that enough appears on the face of his instructions and in the instructions to M<sup>r</sup> Bancroft to prove conclusively what was our determination. The moment had not arrived; but there is nothing more certain than that we would have resisted the pretensions of England: and I think this may be abundantly inferred from what we had done before the close of the late administration.

These papers are communicated to you in sacred confidence. I send Bancroft's letter because I think you ought to know what Clayton has done. I write in the midst of company and should like to write more but cannot do it without losing a mail. You can return the papers to me under M<sup>r</sup> Foote's frank.

With my kind regards for M<sup>rs</sup> Burke I remain always

y<sup>r</sup> friend

JAMES BUCHANAN

M<sup>r</sup> Burke.

### III. BUCHANAN TO MCCLERNAND.

*Private*

Wheatland 2<sup>d</sup> April 1850

My dear Sir

I never did believe that the sketch of the Nicaragua Treaty presented in the New York Tribune a few days ago could be correct, until I perceived that it was at least indirectly sanctioned by the Government Organs at Washington. According to this sketch the two first articles



ought to be resisted to the utmost extremity. They are neither more nor less than a solemn stipulation on the part of the United States to Great Britain, that at no future period, shall we ever annex to our Country, under any circumstances, any portion of the vast country of Central America, extending from North West to South East 1000 miles, and in breadth from 90 to 250 miles. Nay more it is a stipulation by which Great Britain, in fact, guarantees as against the United States, the integrity of the different States of Central America: and if we had just cause of war against these States at the present moment, and should conquer any portion of their territory, Great Britain, under the Treaty, might and would require us to abandon it, because we have pledged our faith to her, that we "will not take, use, hold, occupy nor exercise dominion over any portion of Central America, henceforth and forever." Let us enter into a similar stipulation with Great Britain in regard to Mexico, and our limits are forever bounded by the Rio Grande, for such would be the true purport and meaning of our engagement with that over-reaching power. The policy was steadily pursued by Mr Polks administration of urging the nations on the continent not to suffer Great Britain or any other European Power to interfere in their concerns. This policy was distinctly announced in my instructions to Mr Slidell of Nov 10-1845, to which I refer you, (page 71 and 72, Executive Document No. 52 of the first session of the 30th Congress) and was uniformly pursued throughout the whole administration.

And what will the Nicaragua Treaty effect, if its provisions have been correctly stated? Instead of the protectorate of the Mosquito King, which Great Britain had assumed without a particle of right, she will become substantially the protector of all the five States of Guatemala, Honduras, St. Salvador, Nicaragua and Costa Rica. Her province of British Honduras, or Belize, lies immediately north of these States, Jamaica is in front of them and the Island of Trinidad is to the South. She will command the whole Carribbean Sea: and all the States along the sea as well as on the opposite Coast of the Pacific will consider her their protector under Treaty stipulations, against what she terms "the exorbitant ambition" of our Republic. Can it be that Democratic Senators will sanction this Treaty?

I say nothing about the stipulations of the Treaty for the neutrality of the Canal, and of all vessels within a reasonable distance from the ports at its termini and for the protection of the workmen &c &c. Had these stipulations been made with Nicaragua and not with Great Britain there could have been no objection to them. In the case of our Treaty with New Granada we were willing that New Granada should treat with England on this subject. But even in that case, we never for a single moment thought of placing ourselves in the power of Great Britain by entering into any Treaty stipulations with her on the subject. Even in regard to the canal there the case of New Granada and Mr. Polks Message quoted by the National Intelligencer on the 29<sup>th</sup> of April has no application. Still had the Treaty been confined to the neutrality of the canal it would

not have been alarming ; though wrong in principle to treat with her at all on such a subject.

If Sir Henry Bulwer can succeed in having the two first provisions of this Treaty ratified by the Senate he will deserve a British peerage. The consideration for our concessions is the relinquishment of the claim to the protectorate of the Mosquito Shore—so absurd and so unfounded that it has been ridiculed even by the London Times. Truly Sir Henry has brought this claim to a good market, when he found a purchaser in Mr Clayton.

The Treaty altogether reverses the Monroe Doctrine, and establishes it against ourselves rather than European Governments.

I had no intention of writing you a letter when I commenced. I intended merely to drop some hasty hints, to the Editor of [a] Democratic Journal. As I advanced the thought struck me that I would send them to you as suggestions for what they were worth. I regret that my personal acquaintance with you is so slight. This has not been my fault, for I have always entertained for you the highest respect. At all events you will pardon these hasty suggestions from one Democrat to another—on a question of vast importance and attach to them such importance as you think they may deserve.

Yours very respectfully

JAMES BUCHANAN.

Hon : John A. McClernand.

IV. BUCHANAN TO BURKE.

*Private and Confidential*

Wheatland 30 May 1850.

My dear Sir

I have received your favor of the 27<sup>th</sup> Instant and am sincerely sorry to learn that tomorrow will be the last day of your connection with the Union. Your loss will be seriously felt by the party throughout the Country and I know not how M<sup>r</sup> Ritchie can supply your place. I do not blame you, however, for retiring from the establishment to a more lucrative and less laborious situation.

Grund's effort was one of deep design. It was intended to draw me from the platform on which I have stood ever since my Berks County letter in 1847 and identify me with those who hold that whilst Congress possess the power to acquire new territories, they cannot afterwards preserve and govern them. I am not in public life and don't either know or much care whether I shall ever be : and I do not choose to write to M<sup>r</sup> Foote in praise of the Clay Compromise. I think there are some things in it very objectionable, but if I were in the Senate, after having tried to amend it, and especially to reduce the limits of California, I might vote for it as a pis aller. How can it settle the question? The North vote for it, because the Mexican law and the law of nature will exclude slavery from the territories ; and the South because the Constitution of

the United States has repealed the Mexican law and enables them to take and hold their slaves there. The Compromise will only therefore transfer the controversy to the territories to be brought back again from thence to Congress with additional acrimony. The Missouri Compromise would have finally settled the dispute ; but it is now too late. After the South have fought the last Presidential contest upon the doctrine of non-intervention, I do not see how it is possible for them to change their position, especially after the Northern Democracy have come up to it.

I feel much indebted to you for your article concerning myself. It would be every word correct if you had qualified the last sentence but one in accordance with what I have stated. But let it stand as it is.

The Nicaragua Treaty is even worse than I had supposed. It does not destroy the protectorate of England over the Mosquitoes ; but merely prevents her from using it for the erection of fortifications, &c., a thing wholly unnecessary to enable her to carry it into effect. Throughout Mr. Polk's administration, it was our steady policy to indoctrinate all the Southern nations on this Continent to avoid all political connexion with European nations and to establish an American policy. This Treaty reverses our principle and makes Great Britain the protector of the whole of Central America and establishes her influence there upon sure foundations. In the case of New Granada, we doubted much whether we would even guarantee to that Republic the neutrality of her small province of the isthmus : we never hesitated a single moment in the policy of refusing, should this become necessary, to enter into any Treaty with Great Britain on the subject. The furthest we were willing to go was to consent that New Granada might receive similar guarantees from Great Britain and France ; but to these we were to be no parties.

The only circumstance which could approach an equivalent to us, *would have been an absolute security, in war with Great Britain as well as in peace*, for our free intercourse through the canal with our possessions on the West Coast of America. To accomplish this the neutrality of the vessels not merely through the canal but from the port of their clearance to those of their destination ought to have been required. Great Britain would not have granted this. With British Honduras on the north, Jamaica on the North East, and her protectorate of the Mosquitoes and Central America on the Continent, the Caribbean Sea will be as completely under her control as the British Channel. In case of war with us, she will now be able to cut off entirely our intercourse through the Canal with California and Oregon. We have thus placed in her hands the most powerful weapon against ourselves.

To get clear of this Treaty will some day cost us a bloody war with Great Britain should she remain as powerful as she is at present. And yet if the Herald is to be believed, there were but ten votes in opposition to it !

from your friend

JAMES BUCHANAN.

Hon: Edmund Burke.

## REVIEWS OF BOOKS

*Zoroaster, the Prophet of Ancient Iran.* By A. V. WILLIAMS JACKSON, Professor of Indo-Iranian Languages in Columbia University. (New York: Columbia University Press; the Macmillan Co. 1899. Pp. xxiii, 314.)

AMONG the world's religious teachers Zoroaster deservedly holds so high a place that all those interested in the comparative study of religion are naturally eager to learn as much as possible of this great reformer's life. But the subject is one of much difficulty, and such divergent views have been held as to the details of the teacher's career which tradition has handed down to us, that the non-professional student has been often sadly at a loss in the past, as to what to accept and what to reject of the mass of material presented to him. But scholars have kept busily at work, and, as Professor Jackson points out in his preface, "our knowledge of Zoroaster has been greatly augmented from the traditional side, during the past few years, especially through the translations made by Dr. West from the Pahlavi texts. This mass of Zoroastrian patristic literature tends largely to substantiate much that was formerly regarded as somewhat legendary or uncertain. This has resulted in placing actual tradition on a much firmer basis and in making Zoroaster seem a more real and living personage." In view of these facts such a careful study as this of the life of Zoroaster will be warmly welcomed by all students, professional and non-professional, who wish to learn the judgment of a scholar of the first rank on various disputed points connected with the subject.

Professor Jackson has divided his book into two parts, in the first of which (pp. 1-144) he states the general results of his investigations, and in the second of which (pp. 145-294) he gives a critical discussion of some of the main questions touched on at earlier points in the book. This is an excellent arrangement, since it allows the student or general reader to get a comprehensive view of the prophet's career without confusing his mind with a multiplicity of details or of opinions, frequently conflicting. Should, however, more detailed information be desired than is given in the first part of the book, the full table of contents, the footnotes and the excellent index will enable any one to find very readily in the critical appendixes what the author has to say on any given point.

Before giving an outline of Zoroaster's life as told by Professor Jackson, it may be well to have our author's statement of his own opinion on the basal question "whether Zoroaster be a historical personage, a real figure whose individuality is indelibly stamped upon the religion of Persia

of old." This is his answer to this question (p. 3): "An affirmative answer must be given, for Zoroaster *is* a historical character. This point is emphasized because it is not so long ago that advanced scholarship for a time cast a cloud over the subject, but happily the veil of myth is now dispelled. Scholars are generally agreed that although legend or fable may have gathered about the name of the prophet of ancient Iran, the figure of the great reformer, nevertheless, stands out clearly enough to be recognized in its general outlines; and sufficient data for his life can be collected to enable one to give a clear and correct idea of his personality and individuality."

Zoroaster was born in western Iran, it would seem, about the middle of the seventh century B. C. Tradition has woven many marvellous tales about the story of his birth and early years, tales such as may be found in every religious literature. At the age of fifteen the prophet attains his majority, and assumes the "Kusti," or sacred thread. "From his fifteenth year to the age of thirty the tradition is more meagre in its details. The period is a time not so much of action as it is a time of religious preparation." At least part of this time was spent in retirement from the world. "This time of early retirement and seclusion must have been the period in which Zoroaster fought out the fight which waged in his own bosom and in which he began to solve the problem of life, the enigma of the world, and the question of belief, as his religion solved it. Here he doubtless began also to promulgate the first general truths out of which his religious system was evolved" (p. 35).

"At the age of thirty comes the divine light of revelation, and Zoroaster enters upon the true pathway of the faith. It is in this year that the archangel of good thought, Vohu Manah, appears unto Zarathushtra (Zoroaster) in a vision and leads his soul in holy trance into the presence of God, Ahura Mazda. The year of this first inspired revelation is known in the Pahlavi texts as 'the year of the Religion.' . . . During the ten years that followed this apocalyptic vision, Zoroaster has seven different conferences with Ahura Mazda and the six Amesha Spentas." By means of these various visions the revelation is completed. Then, like other religious leaders, Zoroaster has to pass through the ordeal of temptation by evil spirits, only to emerge triumphant from this searching test.

It was not till the end of this period of ten years—"years of wandering and struggle, of hope and dejection, of trial and temporary despair"—that he won his first convert. "This zealous adherent is his own cousin Maidhyoi-maōnha (Pahlavi Mētyō-māh), who is often mentioned in the Avesta and other writings. He is a very different character from Buddha's traitorous and schismatic cousin Devadatta, and he stands as the St. John of Zoroastrianism. Finally, in the twelfth year of the Religion, Kavi Vishtāspa (Pahlavi Kai Vishtāsp, Modern Persian Gushtāsp) is converted and becomes the Constantine of the Faith—the Rājā Bimbisāra, if not the Asoka, of Buddhism. After the King adopts the Creed, many conversions follow, and the Prophet's own family, relatives and

friends are frequently referred to in the Avesta and elsewhere as having become faithful adherents and believers."

The court soon followed the King's example, and "the Religion" gradually spread over Vishtāspa's realm. Not only are conversions made in this land, not only are some Turanian converts mentioned, but tradition has stories to tell of Hindus, and even of Greeks, who embraced the new faith.

But "the Religion" was not to spread without conflict, and with the great religious wars which we read of in the Avesta we reach a crucial point in the history of Zoroastrianism. There seem to have been two of these wars, the first having broken out, according to tradition, some seventeen years after Vishtāspa's conversion. The great opponent of Vishtāspa and of "the Religion" was Arejat-aspa, or Arjāsp. Fierce battles were fought, and though victory ultimately rested with the "true" believers, it was purchased at great cost. The greatest loss sustained by the followers of Zoroaster was the death of the prophet himself, which occurred possibly at the beginning of the second war. Tradition is so unanimous that Zoroaster died a violent death in the seventy-seventh year of his age, that we may probably accept its accuracy. But while later Iranian writers state that his death took place at the storming of Balkh early in the second religious war, we cannot be sure that they are exact in their information, although it is possible that they are.

With the final overthrow of Arjāsp began a period of rapid progress for "the Religion," a progress which met its first great check at the invasion of Alexander.

Such is a very bare outline of the story of Zoroaster's life, as told in the first part of Professor Jackson's book. The second part of the work is given up to seven critical appendixes entitled, respectively, as follows: Suggested Explanations of Zoroaster's Name; On the Date of Zoroaster; Dr. West's Tables of Zoroastrian Chronology; Zoroaster's Native Place and the Scene of his Ministry; Classical Passages mentioning Zoroaster's Name; Allusions to Zoroaster in various other older Literatures; Notes on Sculptures supposed to represent Zoroaster.

The list of books connected with the subject (pp. xi-xv), and the beautiful map of Persia and Afghanistan by Keith Johnston, with its key, are both valuable additions to the work.

This life of Zoroaster is an admirable piece of work, and both the author and all those interested in the subject are to be congratulated on the publication of this beautiful volume in which is told so well the story of the Prophet of Ancient Iran.

J. R. JEWETT.

*Papias and His Contemporaries.* By EDWARD H. HALL. (Boston: Houghton, Mifflin and Co. 1899. Pp. 318.)

OUR author starts out bravely. He tells us that Papias, bishop of Hierapolis in Phrygia, is the first living personality "after the Apostle

Paul, to present any marked individuality" (p. 3). This is high distinction for the Phrygian bishop, but he must notwithstanding be content with some twenty pages, descriptive of his life and labors. Papias is taken to be an exact contemporary of Justin and Marcion, and yet we are told that we are then standing "at the beginning of things, when the Christian Scriptures are not made, but making." The Third Evangelist is just beginning to write: "Forasmuch as many have taken in hand," etc. Is not this rather belated criticism of the New Testament literature? Chapter II. deals with Primitive Christian Literature, and Clement of Rome heads the list of authors passed in review. Surprise is expressed that Clement does not quote the words of Jesus as "*Scripture*." But why should he? Were they not "living words" to Clement and his contemporaries? Ignatius, Polycarp, Barnabas and the rest are hastily handled, and then we come in Chapter III. to Two Learned Doctors, who turn out to be Justin Martyr and Marcion. These are examined with special reference to their attitudes towards the New Testament writings. Justin has some document or documents before him which he calls *Memoirs*, *Gospels*, *Gospel* or *Teachings*, but "that these can be our four Gospels in the form in which we have them seems altogether improbable." The reasons given for this skepticism are, that Justin rarely follows the text of the Gospels exactly, and that "it is difficult to understand why, if he had such universally recognized works in his hands, he should never once have mentioned their names or claimed their authority." But if these four Gospels were "universally recognized," there was no necessity for Justin to make extended and exact quotations from them. And if they were not "universally recognized," Justin's silence about their names and his scant quotation from them, do not prove that he personally did not know of their existence. It is hardly accurate to say "that the Jewish Prophets were equally unknown and unhonored by pagan emperors." Moreover, the writings of the "ancients" have ever possessed a peculiar authority, and Justin was clever enough to take advantage of this fact. Marcion "is by far the most striking figure of this period." His "aggressive movement" began the process of singling out our three earlier Gospels, the material of which had existed for some time in a fluid and transient form, and of giving them final shape and sanction (p. 98). Chapter IV. discusses the Millennial Reign, and Papias is taken as a representative in this connection of "all the accepted writers—of all the Christian Fathers." It was out of such "crude and conflicting beliefs" that our Christian faith was born; and by a slow process our four Gospels were sifted out of a mass of "heterogeneous traditions" (p. 123). Our author makes much in his next chapter on Theological Speculations of the "conflicting views of Christ" which the Gospels and the Pauline Epistles present. He seems to forget that the Gospels are descriptive of Jesus' ministry and teaching, while as yet the fact and significance of His death and resurrection could not be taken into consideration. Paul, on the other hand, seeks to interpret Christ's life and work in the light of the Cross and Crown. Mr.



Hall tells us that it became to Paul more and more impossible to blend the earthly life [of Jesus] with the spiritual functions of the Son of God, and he ceased at last to attempt it. "His letters to his followers would have gained tenfold moral (more?) power, if reinforced by lofty maxims from the Master's lips. So at least it seems to us [*i. e.*, to Mr. Hall]. But no: a few allusions to His death and resurrection, two or three scanty references to the words of Christ . . ., that is all" (p. 151). If our author had applied himself as diligently to Paul's writings as he has to the Papias fragments, he would have written more guardedly on this point. And when he tells us that in the time of Papias there "was no Christian Church" (p. 193), we wonder if he has not forgotten still more of Paul and the early sources. However, on page 201 he speaks of an agitation which stirred the "young Christian Church." Now we wonder if he has not forgotten himself. The Mystic Gospel is the subject of the final chapter of this book, but there are some seventy pages of notes. As "a study of religious thought in the second century" the work fails to take account of the tremendous undercurrent of common Christian faith and life, which shortly comes to view in divers places, and finally sweeps along in a mighty tide of rising power.

E. K. M.

*The Post-Apostolic Age.* By LUCIUS WATERMAN, D.D., with an introduction by Henry Codman Potter, D.D., LL.D., Bishop of New York. [Ten Epochs of Church History, Vol. II.] (New York: Charles Scribner's Sons. 1898. Pp. xviii, 505.)

THE second and third centuries of Christian life and society have never so powerfully compelled the attention of the learned as during this century. It is now safe to say that the most brilliant victories of modern historical criticism have been won on this field, where scarcity of materials, divergence of mental temper and equipment, distance and difference of culture, not to speak of corporate bias and personal prejudice, combine to make the work of the searcher difficult and even painful.

In thirteen chapters Dr. Waterman takes his reader over the main features of this "dark and bloody ground," and, let me say at once, in a manner no less considerate than entertaining when we recollect that to this dim and remote tribunal all bodies of Christians look back with more or less respect and confidence. The boundaries of the Post-Apostolic Age he fixes between the years A. D. 100 and 313, or from the moral termination of the personal labors of the Apostles to the Edict of Milan. The literary sources of information for his narrative are next arrayed, whereupon he treats of the historic episcopate in the third and fourth chapters, and in the fifth, sixth, eleventh and twelfth, of the relations of the Church to the Empire. The archaic heresies of Ebionism and Gnosticism, the internal disciplinary strife concerning the mode of celebrating the Easter festival, the mixed controversy of Montanism, and Sabellianism, that thin wedge of great dogmatic heresies, take up the seventh and

eight chapters. In the ninth is given a brief conspectus of the Christian literature of the period, and in the thirteenth are exposed the author's views concerning those early Christian institutions to which long since have been given the titles of canon of scripture, theology, sacrifice, sabbath, liturgy.

Dr. Waterman leans strongly to orthodox and conservative views, as may be seen by his treatment of the origin and nature of the Christian episcopate. Nevertheless, he expounds fairly and lucidly, not only the views of the old school of non-Episcopalians, but the brilliant attempts of such modern scholars as Harnack, Hatch, Réville and McGiffert. No doubt his work was in press before the latest views of Professor Harnack concerning the chronology of the Ignatian Epistles had been made known—else Dr. Waterman would have drawn from them a still more valid argument for his summary of the mind of Ignatius, viz., that the ministry of the episcopate, “while in some ways a new order of things, was substantially the same as that under which churches had been living for two or three generations before, and that this ministry of three orders, under either kind of head, the itinerant apostle or the diocesan bishop, was something far above the level of any clever device of human policy.”

Students of the early Church will be pleased with the sympathetic statements (p. 18) that the honesty of Eusebius is beyond suspicion, and that “his book represents the very highest scholarship and the very highest power of realizing its own history that the Church possessed at the close of the Post-Apostolic period.” Elsewhere (p. 87), the author asserts that “it is not scholarly to throw Eusebius overboard whenever one does not like his statements, and one may predict that after Lightfoot's examination of the Eusebian chronology of the bishops of Rome and the bishops of Antioch has had time to be digested by scholars generally, the old-time historian will be treated with more respect.”

Is it quite true, as stated on p. 105, that “by the time of Domitian it was a settled policy of the Roman Emperor to treat *Christianity* as a crime”? In the original acts and documents of the fateful struggle between the empire and the new society there appears nowhere an objective treatment of the Christian system. It is the *nomen* that is under sanction, the confession of an unknown social head and bond, the illicit meeting. In these earliest days it would seem as if the edict *Non licet esse vos*, a measure of police-justice, was held to be sufficient. As late as Tertullian, the apologists, while themselves conducting an academic campaign, complain chiefly of the suppression of the liberty of association. Indeed when pagans like Epictetus, Galen, or Marcus Aurelius let drop a contemptuous word against the Christians, it is directed against their stubbornness, their *pervicacia* in not ceasing to exist. Similarly the earliest Christian documents insist with much strength on the right and practice of association.

It is to be regretted that Dr. Waterman has made little or no use of the monumental material, now quite abundant, for the history of the

second and third Christian centuries. The *Bollettino* of De Rossi, the valuable writings of his disciples, the labors of Le Blant and Allard, the superb work of Duchesne, are now indispensable, not only to the thoughtful student of Christian antiquity, but to any cultured reader who would be abreast of the great movement in this direction. To neglect this material in such a work as the one before us is not unlike neglecting the latest excavations in the Forum and on the Palatine when writing of early Roman history.

The present writer cannot agree with Dr. Waterman (p. 195) as to the influence of the Clementines on the development of the tradition "that the bishops of Rome were peculiarly successors of St. Peter in that see." He rather holds with Harnack that too much stress has been laid on this,—indeed the Roman episcopal lists of Hegesippus and Irenaeus antedate any possible influence of the Clementines. Nor can these witnesses well be called non-Roman, since both spent many years at Rome, and both are professedly passive and recipient. It is possible that a perusal of the story of the Acilii Glabrones, as illustrated by the late excavations in Santa Priscilla, would lead Dr. Waterman to abandon his scepticism as to the martyrdom of the Consul Flavius Clemens. Is it not always too much (p. 389) to assert that the specific pro-Roman passages in the *De Unitate* of Cyprian are "forgeries"? It is a grave word, and one that needs sufficient external evidence to justify it. Any *innere Kritik* is not likely to show more, at this date, than the fact of interpolation,—but how, when, where, and by whom? It is a long cry to the fact of forgery.

The work of Dr. Waterman is well written, and omits none of the generally-known topics of interest that form the subject-matter of the history of this period. It is not without a bias,—indeed, it is impossible for a believing Christian to write such a book without bias. Training, faith, feeling, circumstances,—all combine to create in him a mental temper that cannot be set aside. All that can be asked is that the facts be carefully collected from every quarter, that they be scrutinized and set in their due sequence and relationship as far as is now possible, that the laws of enlightened and moderate criticism be known and applied, that caution be used in the assertion of things as certain, dubious, false, that the opinion of the critical searcher be set down in terms justified by the amount and conditions of the materials, and be not too much influenced by rhetoric or by the historical fancy,—those subtlest ways of prejudicing the mind of an ignorant or unsuspecting reader.

THOMAS J. SHAHAN.

*Geschichte Belgiens.* Von HENRI PIRENNE. Band I.: Bis zum Anfang des 14. Jahrhunderts. Deutsche Uebersetzung von FRITZ ARNHEIM. (Gotha: F. A. Perthes. 1899. Pp. xxiv, 496.)

IN M. Pirenne, Belgium has at last found an historian who combines an adequate knowledge of the local "sources" with a large historical

culture. Trained in German methods, evidently conversant with the most recent investigations, alike in Germany and France, in the field of medieval institutions, and master of a vigorous and lucid style, Professor Pirenne has produced a volume which will appeal both to the general reader in his own country and to the professed historical student there and elsewhere.

Beyond this general testimony to its interesting and scholarly character, I must perforce, from sheer ignorance, abstain from criticism. But it chanced that some seventeen years ago I had occasion to look into the sources for the history of Flanders in the age of the Artevelde, and to take stock of the then existing modern literature dealing with the period. And it has interested me to revive the recollections of my own juvenile and wooden performance, and to compare some of the conclusions which were natural enough then to the youthful enquirer with M. Pirenne's far more mature and competent judgment.

In narrating the "political" history, in the narrower sense, of Flanders and the surrounding territories in the thirteenth century, M. Pirenne has been unable to make much advance on the older Belgian writers, chief among them M. Kervyn de Lettenhove; and this for a couple of reasons. The material is scanty; and it has already been carefully worked over. M. Pirenne endeavors, and not without some occasional success, to supply the lacunae in the evidence of the chroniclers from his own wide knowledge of the general European situation, but nevertheless the story remains, and probably will continue to remain, full of the most sudden and most inexplicable changes of front—or what seems like changes of front—on the part of all the chief personages concerned. Even if M. Pirenne did not himself care chiefly for the institutional and economic sides of history, as it is clear he does, he would be thrown back upon them by the impossibility of making any other part of his subject really interesting.

Turning, then, to the development of institutions, perhaps the first question that will suggest itself is as to the origin of that civic life which so early characterized the corner of Europe we now know as Belgium. It is with some amusement that I observe how trustfully I followed in 1882 the leading of Georg von Maurer, and with the aid and countenance of M. Vanderkindere's little pamphlet, *Sur l'Origine des Magistrats Communaux*, found the germs of the later town-system in an imaginary mark-community. Since 1882, great has been the discussion on the subject; and now M. Pirenne, following the prevailing tendency among contemporary scholars, and applying to the Flemish towns the general doctrine of municipal *origines* which he has recently set forth with so much learning in the *Revue Historique*, finds the true beginning of town life in the settlement of "colonies" of merchants and craftsmen beneath the walls of an abbey or castle (p. 200). This view is probably nearer the truth, or, perhaps one had better say, a larger part of the truth, than the rural-village theory; but its statement here by M. Pirenne still shows the lack of precision which I attempted to point out in his *Revue Historique*

articles. This defect has been remedied, I hope, in the detailed examination of the history of landed property in Ghent which has recently been published by his pupil M. des Marez.

Whatever the origin of town life may have been, M. Pirenne's picture of the situation in the thirteenth century agrees in all its important features with the notions one could gather in 1882 from M. Vanderkindere's somewhat rhetorical but yet refreshing and original work on *Le Siècle des Artevelde*. The key to the period is the struggle between the city oligarchies and the craftsmen; the former seeking the support of the French king, who was anxious to increase his hold over the vassal county of Flanders, and the latter turning to the count, who was equally desirous, in his more statesmanlike moments, of tightening his authority over the town-magistrates. But on one point M. Pirenne has something fresh to remark. When, in 1882, I came to describe the crafts of Ghent, I felt in an obscure way that there was something in the position of the weavers and the fullers which was rather difficult to fit into the framework of industrial life as it is exhibited to us by the modern describers of "the gild system." Nevertheless, I seem to have had no hesitation in saying "There was no jealousy between employer and employed, inasmuch as the latter could without much difficulty save sufficient capital to become a master himself." It is now a comfort to have M. Pirenne point out, what seems very obvious once it is said, that "the textile crafts in the great manufacturing cities of Flanders and Brabant presented an essentially different appearance from that usually shown by the artisan corporations of the Middle Ages."

"The cause of this difference is easy to discern. Instead of working, like other crafts, for the local market, they produced wholesale and for export. The weaver, fuller, and dyer did not in the least resemble in position the bakers or smiths. The latter were at once artisans and traders, and they sold direct to their customers the products of their industry, while the former had to restrict themselves to the humble role of mere factory hands ('*Industrie-arbeiter*'). With the public they came not in contact; they had only to do with the *entrepreneurs* who employed them—the cloth-merchants (*drapiers*). The cloth-merchants put into their hands the wool to be worked up; and it was the cloth-merchants likewise who sold the finished cloth in the market. The merchant is a capitalist; the workman a wage-laborer" (p. 305).

When we realize that the richer cloth-merchants were members of, or closely associated with, the civic oligarchy, we can understand that the quarrel between the craftsmen and the town authorities was probably an economic one as well as a constitutional.

If the foregoing description by M. Pirenne be true—and it certainly fits well enough into what we know of the civic troubles of the fourteenth and fifteenth centuries—it is evident that the peculiar conditions of the Flemish cloth industry had even thus early hurried it into a stage of development essentially different from and subsequent to "the gild system" in its "normal" form; into a stage such as German economists are wont to designate by the term *Hausindustrie*, and the English writers of the

early part of this century by *domestic system*. It differed indeed from these as they are to be found in later centuries in Germany and England, chiefly in its concentration in the cities; but in each case, though the little *meester* may have had his journeymen and apprentice, the real *employer* of them all, in the modern sense, was the merchant through whom the work came to them. M. Pirenne remarks (p. 417) as to the weavers and fullers of Ghent, that the specifically craft organizations—the *Gewerke*, or, as they said in medieval England, the *misteries*—were far too closely supervised by the *échevins* to be capable of being used as weapons against their rulers; “but it was different with the religious fraternities.”

Let us hope that when in his next volume he comes to deal with the constitutional changes of the period of the Arteveldes, he will draw more fully on the unprinted material to which he refers as his authority; that he will tell us more about these fraternities; and that he will enable us still better to realize the daily life of the *Weve Ambachte*.

W. J. ASHLEY.

*The Foundations of England.* By Sir JAMES H. RAMSAY of Bamff, Bart., M. A. (London: Swan Sonnenschein and Co. 1898. Two vols., pp. xxxiii, 553; xxiv, 509.)

“TWELVE Centuries of British History” is the sub-title of this laborious work, which aims at giving in these two volumes a complete compendium of the history of the British isles from B. C. 55 to A. D. 1154. It is obvious that such an undertaking as this would involve prolonged and tedious study; for Sir James has not only read for himself the authorities on which his narrative is based, but has plodded through a vast amount of the work of modern historians, especially of those who have added to our knowledge by their own original research. While careful to acknowledge “the greatest obligations to the works of others,” which have enabled him to place his readers abreast of the latest research, the author is no mere compiler; he has exercised throughout his own judgment, and has done so at once with marked independence and with singular freedom from prejudice and bias. If we detect a personal note, it is perhaps that of the Scotsman, in whose view Scottish history occupies a leading place; but English writers have been, perhaps, inclined to treat somewhat imperfectly the history of the northern portion of the island, so that the balance is here redressed. For the teacher of history and for the real student the special value of Sir James’s work will be found, not so much in the careful references to authorities, useful though these must prove, but in the arrangement of his volumes. An elaborate table of contents with the dates prefixed throughout is a very great convenience, as are the marginal headings to the text, in Clarendon type, and the dates at the head of each page, a point too often omitted.

That there was real want for a book of this character will hardly be denied by those who have worked at the period it covers. That period



is probably the one on which recent research has had most that is new to tell us; but the information has been sadly scattered and often difficult to find. This is well seen in the author's earliest chapters, for he begins at an earlier period than is usual, assigning two chapters to Pre-Roman Britain, and dealing at considerable length with the time of the Roman occupation. Indeed, a uniform system of treatment enables him to give us an amount of detail far greater than that which we meet with in general histories, while avoiding the extreme diffuseness of such works as those of Mr. Freeman. His fairness and caution are well seen in his attitude towards the "great commendation" of 921. While guardedly rejecting the story as it stands, he observes that the point has been made too much of, as the overlordship of Æthelstan is clear enough. In connection with this subject, one should point out that he claims to have localized the battle of Brunanburh (an old point of difficulty) at Bourne in Lincolnshire. To battles, indeed, Sir James has devoted special attention, from that of the "Mons Graupius" downwards; and on those of Hastings and of Lincoln he has views of his own to advance.

The period subsequent to the Norman Conquest, on which I am most at home, is the subject of his second volume. I have found it singularly free from slips and absolutely packed with information. Although political history occupies the chief place, the development of institutions, the state of society, the condition of the revenue, the changes in architecture, the foundation of religious houses, and similar subjects are among those which receive attention, while the issue of each sovereign is catalogued with special care. That Sir James's work can hope to appeal to the general reader is of course impossible: its place is on the student's shelves. The fault that has been found with it is that it is dull, that one cannot read it with pleasure. The author's style, no doubt, is ponderous, his work rather a repertory of facts than the history of which the critic dreams. But it is not given to us all to write with the brilliancy of Macaulay or of Green, or the vivacity of Professor Maitland. There is room for history of every kind, except for that which is false. For my part, I feel that gratitude is due to an author who has placed at our disposal so useful a work of reference, and has, among his other merits, devoted infinite pains to identifying persons and places. An index of fifty pages, though not absolutely exhaustive, is well-arranged and adequate. Sir James, it may be added, is now at work on the reign of Henry II., and hopes, in time, to complete his history down to the wars of the Roses, the period treated in his two volumes entitled *Lancaster and York*.

J. H. ROUND.

*History of Scotland.* By P. HUME BROWN. Vol. I., To the Accession of Mary Stewart. [Cambridge Historical Series.] (Cambridge: University Press. New York: The Macmillan Company. 1899. Pp. xviii, 408.)

MR. HUME BROWN has recorded in a clear and logical fashion the narrative of the development of a Scottish nation and the turbulent inter-

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nal life of that nation up to the moment of the Reformation, and herein lies the chief value of the present work. Students of English history, and particularly of medieval English history, have been too much inclined to regard Scotland from the point of view obtaining in the Middle Ages at Westminster (where the dwellers north of Tweed were often described as *Scotii inimici et rebelles*), and to leave out of account certain facts in Scottish history of high importance in their own field of inquiry. Several points of this sort are well developed in the present work. Take, for example, the battle of Carham where in 1018 Malcolm II., by the acquisition of Lothian, determined the ultimate predominance of the Saxon over the Celt in that racial amalgamation which was soon to produce a Scottish people. The student of English institutions who seeks to account for the ready reception of Norman feudalism and Anglo-Norman law in the Scotland of the twelfth century, must turn for his explanation to the event of 1018. Mr. Hume Brown would reckon Carham with Hastings rather than with Bannockburn, in the list of English battles. The day will come, perhaps, when Clontarf, as well as Carham, will find a place in this list. The complement of Carham was the bloody fight at Harlaw where, in 1411, the last effort of the Celts of the north to assert their national consciousness was utterly crushed. The importance attributed in the present work to these events leads to the development of another point too frequently overlooked. This is the fact that up to the close of the thirteenth century Scotland exhibited a national development more advanced than that of any other country of western Europe except England. This was arrested by the disaster involved in the failure of the direct royal line in 1290, and the subsequent feudal chaos and general demoralization of the kingdom have been allowed to obscure, to a great extent, its earlier national development. Again, any one investigating the early foreign relations of England will find that Scotland forms an important link in all relations with northern Europe, and particularly with Scandinavia.

Beside the exploitation of these too much neglected matters the present work also casts new light on periods and events more generally familiar. The narrative of the last years of David II.'s reign (p. 179), is based on recently published material and differs substantially from that given by Tytler and Hill Burton. In like manner an important despatch from Bishop Kennedy to Louis XI. of France discredits the account of James III.'s reign given by Pinkerton and Tytler and tends to rehabilitate the authority of Buchanan's *Historia* (p. 249). Finally, Mr. Hume Brown's narrative of the battle of Solway Moss (pp. 393-395), based on the Hamilton Papers, differs materially from the traditional accounts of that engagement.

But so many advantages are scarcely to be expected without some corresponding drawbacks. Among the worst of these is the unmistakable weakness of the book in constitutional matters. It is true that the constitutional history of Scotland has yet to be written; Robertson and Skene have not answered all our questions and in many cases what they have to

tell us must be regarded with suspicion. Under these circumstances it would perhaps have been wise if Mr. Hume Brown had confined himself to the narrative history in which he has been so successful. It is difficult, in view of such knowledge of the Celtic tribal system as we possess, to accept his explanation of the *normaers* as hereditary royal officials (pp. 45-46). The use of the term king's court in connection with the *commune concilium* (pp. 108-109) is misleading, particularly when the same body is, on a later page, more properly styled the Great Council (p. 117). The statement that under David I. the system of inquest had almost entirely displaced the older forms of procedure (p. 91), will be hesitatingly accepted. The suspicion thus raised is not allayed by the fact that the author appears to accept the view that English boroughs had their origin in municipalities (p. 7), and speaks of escheats "imposed" by the justiciars (p. 341). The accounts of the social and economic conditions of Scotland appear to be based exclusively on legislative acts, which are scarcely a satisfactory source unless confirmed by further material.

A more serious fault than any of these, however, lies in the general tone of the book in regard to England. The author is Scottish rather than British and constantly betrays a feeling of rancor against England curiously inconsistent with his otherwise large outlook. It would be supposed that a nineteenth-century Scot, capable of applauding the achievement of Malcolm II. in Teutonizing Scotland, would see that the best ideal of his country was to be associated with the destiny of Great Britain, and that this vision would have made impossible the narrow and bitter outbreak against Edward I. to which Mr. Hume Brown treats himself (p. 155).

One or two minor faults have been noticed. The iteration of the word "outstanding" for prominent or striking, and of the phrase "give to the flames" for set fire to or burn is doubly provoking by reason of the otherwise simple and direct quality of the style. On p. 235 (note), "bearing that" seems to be a misprint for "bearing date." The statement (p. 70) that Norham Castle was founded by Henry I. is not borne out by the authorities. The district of Norham was a parcel of the highly privileged bishopric of Durham (afterwards a county palatine) and the castle was built by Ranulf Flambard, the then bishop, in the year 1121.<sup>1</sup> It is to be regretted that the circumstances of publication did not permit a more frequent and explicit citation of authorities, and that the edition or date of publication of works enumerated in the bibliography should not in all cases have been supplied.

In conclusion, students are to be congratulated on having in this work a direct and concise statement, based largely on original sources, of the events of Scottish history up to the Reformation; a blessing which all who have sought in vain for some desired information in the smug pages of Hill Burton, will be quick to appreciate.

GAILLARD THOMAS LAPSLEY.

<sup>1</sup> Symeon of Durham (Rolls Series), II. 260; cf. Roger de Hoveden (Rolls Series), II. 64-65, and Raine, *North Durham*, 284.

*Philipp II. August, König von Frankreich.* Von ALEXANDER CARTELLIERI. Erstes Buch: Bis zum Tode Ludwigs VII., 1165-1180. (Leipzig: Friedrich Meyer. 1899. Pp. xv, 92, 76.)

DR. ALEXANDER CARTELLIERI has already become known to those interested in the history of medieval France by reason of his studies of Philip Augustus, which have appeared not merely in his graduating dissertation, of 1891, but in the *Revue Historique* in 1891, 1893 and 1894. The field which then so attracted him has continued to claim his attention, and the studies then begun have been pursued with increasing fruitfulness at Paris and Berlin and have led him to undertake an extensive life of the great king. The first result of this determination is the small volume now under review, which constitutes the opening book of what, if it is completed on the same scale on which it is begun, will prove a life-long task to its author and a monumental biography of the first medieval ruler to make the French monarchy a power in the affairs of Europe as a whole.

Necessarily the time covered in the installment of Philip's biography now before us,—extending from his birth on August 21, 1165, to September 19, 1180, when the death of Louis VII. left him sole ruler of France,—is so largely that of Philip's childhood that the present volume is chiefly important as indicative of Dr. Cartellieri's method and of what may be expected in future studies which will treat of the king at an age of greater maturity and influence. But the period here discussed presents some features of much interest to the student of minuter aspects of French history. In these years lie the young ruler's crowning, and his relations as joint sovereign to his fast-aging father,—matters of considerable importance for French constitutional history. Before the close of the period treated by Dr. Cartellieri comes Philip's first marriage, full of political significance. And in these years, too, lies that involved struggle for supremacy in the counsels of the young monarch between Philip of Flanders, the skilful Henry II. of England, and the Champagne interest represented by Philip's maternal relatives. In this period, also, Philip begins, in the nominal interest of the Church, his internal policy of repression toward the quarrels of the lesser nobility, and assertion of the royal authority wherever the monarchy had claim to lordship. Dr. Cartellieri has treated these themes, and all else relating to the political life of the young king during this period, with much clearness and a thoroughness and minuteness in the use of the sources that is worthy of the most hearty commendation. If his enthusiasm for his youthful hero is great, and his disposition to assign to Philip a formative rôle during the first year of sovereignty seems possibly excessive, Dr. Cartellieri has given us a volume not merely of painstaking accuracy in the presentation of dates and facts, but of high promise that we shall have, when the successive books that he plans are added to it, a worthy critical biography of the great French monarch.

The value of Dr. Cartellieri's volume is much increased by the appended discussions, and especially by a Register which includes an epitome of no less than one hundred and one charters and letters having to do with Philip Augustus between his birth and a time shortly after the death of Louis VII. This Register Dr. Cartellieri does not propose to continue over the field so largely occupied already by M. Léopold Delisle's well-known *Catalogue des Actes de Philippe-Auguste*.

WILLISTON WALKER.

*St. Thomas of Canterbury, His Death and Miracles.* By EDWIN A. ABBOTT, M. A., D. D., Formerly Fellow of St. John's College, Cambridge. (London: A. and C. Black. 1898. Two vols., pp. xv, 333; vii, 326.)

THIS is an uncommonly interesting and instructive work on an out-of-the-way and unpromising subject. No genuine lover of books can fail to experience a thrill of pleasure as he takes into his hands the two sumptuous volumes in which heavy paper, broad margins and bold type are lavished upon a theme in itself apparently of little more than antiquarian interest. And no one who dips into the work here and there, curious to know the reason for all this expenditure of time and labor, can fail to be fascinated and amused by the marvellous tales that crowd its pages. He will read far and long before he lays it down and he will know more about Thomas Becket's death and miracles ere he quits his delightful task than he ever knew before, and not a little into the bargain of the morbid taste, amounting even to a passion, for the miraculous in twelfth-century England.

The work had a peculiar origin. The author, a well known Biblical scholar, in preparing a critical commentary on the Gospels was led to look into the various accounts of St. Thomas's death and miracles for illustrations of the way in which the several evangelists treated their theme, and the proposed brief excursus grew gradually into the bulky work which lies before us, and what was intended as a mere illustration of the methods of the evangelists became a critical study of the greatest interest and importance, of the whole subject of historical evidence. It is as a study of evidence that the work is chiefly valuable to historical students. An extract or two from the author's own words will indicate what is meant. "From a comparison of the narratives above given the first and most general conclusion is one that must be most unsatisfactory to all those who desire short cuts to truth. For it is this: that no general rule can be laid down as to the value of an early account as compared with a later one. An early account sometimes teems with falsehoods. A later account sometimes corrects falsehoods; sometimes makes them falser and adds to their number. The value of a writing depends upon facts that are often very difficult to ascertain—namely, the position and character of the writer, his opportunities for observation, or for collecting evidence from those who have observed, and his power of setting down what he

has observed or collected, either without inferences of his own, or, at all events, in such a way as to allow the reader clearly to distinguish facts observed from facts inferred" (I. 192). "This testimony is peculiarly instructive. For it exhibits a man of learning, apparently writing in good faith, *and probably within four or five years from the martyr's death*, yet (1) assigning to the dead body a stupendous miracle not found in any of the numerous descriptions of his death that proceeded, about the same time, from competent witnesses; (2) describing a miracle wrought by the blood of the martyr while still lying on the pavement—a miracle, whether manifested then or afterwards, at all events unrecorded by any other witnesses; and (3) greatly exaggerating a miracle correctly described by an eye-witness (Benedict) and by one who was intimate with the archbishop (Fitzstephen)" (I. 241).

The immediate bearing of the author's studies upon the criticism of the Gospels will also appear from such passages as the following: "It is often said concerning the Gospels that, if some of them were written as early as thirty or forty years after Christ's death, there is not time enough to allow the growth of the legendary element from the misunderstanding of metaphor. How, it is asked, could the leaven so rapidly pervade the biographies of the Saviour that the legendary now appears almost inseparable from the historical? But here again we find a parallel and something more. Many of the accounts of the life and death of Becket were written *within five years of his martyrdom*. Many of the miracles—certainly those recorded by their earliest chronicler—were written down *at the very time of their occurrence*. Yet even in these early documents we find that writers, speaking from 'veracious relation,' record portentous falsehoods, or let us rather say *non-facts*, and that even writers depending upon the evidence of eye-witnesses, and sometimes (though much more rarely) on the witness of their own eyes, fall into astonishing errors, many of which take the direction of such amplification as to convert the wonderful but explicable into the miraculous and inexplicable." "Again, from the point of view of documentary criticism, there is much to be gained from a comparison of the martyr literature with our Gospels. As there are four Gospels, so were there four Biographies of St. Thomas, recognized in very early times as especially authoritative. Tatian in the second century made a harmony of the four Gospels, called *Diatessaron*: Elias of Evesham made a harmony of the four Biographies, and called it *Quadriologus*. In blending the four, the *Diatessaron* sometimes alters, sometimes inserts, sometimes confuses one with the other; so does the *Quadriologus*." "The fourth of our Gospels was written long after the three; so was the fourth of the authoritative lives. The fourth Gospel professes to be written by one who knew Jesus as a friend; the fourth Biography was actually written by St. Thomas's intimate friend and instructor in Scripture. That Gospel makes no mention of demoniacs and recounts few miracles: that Biography expressly claims that it is written in order to bring out the Man, and implies that its object is that the Man should emerge from the miracles under which he was in danger of being

smothered. Besides our four Gospels we know that there were many others, and have reason to believe that in the variations of our Gospel MSS. we find occasional traces of earlier Gospels suppressed or neglected by the Church and now altogether lost. As regards the Biographies we are more fortunate in actually having many of those accounts of the saint's life and death that were discarded by the authors of both the Early and the Late *Quadrilogus*; and one of these we find to be in many respects far more trustworthy, and far richer in facts of interest, than some of the four authoritative Biographies. In the Gospels there are traces of different points of view in the writers: one regarding matters as a Jew might, another as a Gentile; one paying attention to style, another thinking of nothing but fact; one omitting what another inserts and *vice versa*. There are also here and there passages in which writers agree almost *verbatim*, interspersed with others where they do not agree at all, or only in the words uttered by Jesus and by those with whom he is conversing. All these phenomena recur in the Biographies and still more frequently in the two Books of Miracles" (II. 308 sq.).

As a study in the psychology of the marvellous the work is also of great interest. No one can read the strange and often grotesque tales with which the pages teem without realizing, perhaps more vividly than before, that there is something here which must be always reckoned with as a large factor in the life of the race. It is true that the medieval taste for the miraculous has always been well known, but the present work affords unusual opportunities for studying that taste and for tracing the way in which it found expression in particular cases.

A. C. MCGIFFERT.

*Li Livres du Gouvernement des Rois*, a Thirteenth Century French version of Egidio Colonna's Treatise *De Regimine Principum*, now first published from the Kerr Manuscript. Edited by SAMUEL PAUL MOLENAER, Ph.D., Instructor in the University of Pennsylvania. (New York: Columbia University Press; The Macmillan Co. 1899. Pp. xlii, 461.)

THE most serious disadvantage under which the student of the history of political theories labors, especially in America, is the lack of proper and sufficient texts of medieval works on government. This lack was nowhere more keenly felt than in the case of the present work and, though for purposes of study the Latin version is best, every student of political theory will welcome the publication of the present French translation, which was made shortly after the Latin original was written (c. 1285).

This is one of the few medieval works on government which was not written to support papal or imperial pretensions to supreme temporal power. Its didactic character makes it more comparable with the political works of such men as John of Salisbury, Thomas Aquinas and Philip of Leyden than with the polemical writings of theorists like Manegold of Lautenbach, William of Ockham and Philip of Mezières. It is without



doubt in the works on the papal and imperial powers of the last mentioned men that the most strikingly original medieval theories of the state are found, but to write on that all-absorbing topic was not the purpose of Colonna. He wished to lay before the medieval prince (in this case the Dauphin of France, afterwards Philip IV.) the principles to be followed in governing a state. In stating these principles he followed Aristotle's *Politics* very closely and like most of his contemporaries he regarded the ideas of his master as too sacred to be added to or changed to any considerable extent.

The first of the three books, of which the work consists, treats of the "highest good" as the true end of the life of man and gives the moral precepts for the attainment of that end. The second book is devoted to the family, the education of children and the fundamental principles of household economy. In the third book is a comparative study of the various theories of the state held by the Greek philosophers, followed by a discussion of the best form of government, the nature of law and justice and the duties of a prince in peace and war. As contrasted with the *Politics*, most noticeably characteristic are the references to God and the Church.

The work has been carefully edited, but Dr. Molenaer has not shown sufficient familiarity with the best methods for the publication of texts. An introductory note as to the rules followed in editing the work, as to his use of brackets, parentheses and other signs would help the reader. Texts should be so presented that they can be read rapidly and with as few as possible interruptions by signs or references to foot-notes. At the same time, a text should read as its author meant it to read. If the author intended "que" (p. 3) and the copyist has put "qui," "que" should be put in the text and "qui" relegated to the foot-notes. The same principle holds good of any letters or words which ought to be omitted from or supplied in the text. The reader should never be sent to the foot-notes for the correct reading or be confused by allowing an incorrect reading to remain in the text.

JAMES SULLIVAN.

*England in the Age of Wycliffe.* By GEORGE MACAULAY TREVELYAN, Fellow of Trinity College, Cambridge. (London and New York: Longmans, Green and Co. 1899. Pp. xiv, 380.)

THE title of this work is somewhat misleading, since it treats of the political, social and religious conditions of England during the later years of Wiclif's life only. Six of the nine chapters are devoted to the years 1377-85, while the last two treat the history of the Lollards from 1382 till the Reformation.

The author has attempted the difficult task of writing a work addressed to the general reader, but which at the same time shall be a serious contribution to history. This popular aim has induced him to modernize the powerful English of Wiclif and Langland in his quotations, al-



though he has fortunately not taken the same liberty with Chaucer. But is Wiclif's English more difficult than Chaucer's? The same aim is responsible for a novel scheme of notes which is hardly an improvement on the usual plan. Footnotes contain nothing but citations to the authorities, while all discussion is confined to seventeen pages of notes and appendices. A commendable feature of the work is the insertion of three maps illustrative of the revolt in 1381 and the spread of Lollardry. The absence of a bibliography is noticeable, nor is an adequate substitute provided in the explanatory list of abbreviations, in which modern bibliographical requirements are not always met. Were it not better to make the abbreviation such as to convey the title of the book to the reader, as Mr. Trevelyan sometimes does, than to compel him to search for it in a list not alphabetically arranged?

On the whole, the work is a very creditable one, and a valuable contribution to our knowledge of the fourteenth century. Besides making good use of most published materials, the author has studied the unpublished sources of the Public Record Office, notably the *Coram Rege* Rolls and the Ancient Indictments.<sup>1</sup> Hence his book abounds in new information. While this is not so much true of the earlier chapters, owing to the paucity of materials not hitherto utilized, it is conspicuously so of those on the Peasants' Rising and the history of the Lollards. Want of space alone prevents us from enumerating some of these new facts brought forward.

Mr. Trevelyan writes a clear and easy style, seemingly influenced by that of his great-uncle. Some of his Macaulayisms, however, are not of unquestioned advantage, as, for example, the use of modern comparisons not always historically accurate,<sup>2</sup> and a sort of partisanship for the cause of Wiclif, which leads him to do scant justice to the Church.<sup>3</sup> Occasional errors of detail occur, some of which are rather surprising.<sup>4</sup>

Unquestionably the best chapter of the book is that on the Peasants' Rising in 1381. Studies in the Public Record Office, together with the knowledge of a source used in Stow's *Chronicle*, and recently published by Mr. Trevelyan himself,<sup>5</sup> enable him to give the best account of the events at London that has yet appeared. His method of handling the sources is satisfactory, though not entirely above criticism. Too much weight is sometimes given to the statements of Froissart, whose untrustworthiness in matters of detail is well known, while no use seems to

<sup>1</sup> Those not already published by M. Petit-Dutaillis (A. Réville, *Le Soulèvement des Travailleurs d'Angleterre en 1381*, Paris, 1898), will shortly appear in a small volume edited by Mr. Trevelyan in conjunction with Mr. Edgar Powell.

<sup>2</sup> For example, John of Gaunt, "at the head of a . . . hierarchy of knaves," is likened to an American party boss (pp. 10-12). He secures for them control of the privy council, where the "big deals" are made. But this view is based on hostile parliamentary petitions, in which unpopular ministers usually appear as traitors and knaves. See also the comparisons on pp. 35, 191.

<sup>3</sup> Chs. 4-5.

<sup>4</sup> See review in *Athenaeum*, April 1, 1899, p. 390.

<sup>5</sup> *English Historical Review*, XIII. 509-522.

have been made of the important memorial issued by the authorities of London to commemorate the part of their mayor in suppressing the revolt.<sup>1</sup> In fact, Mr. Trevelyan does not seem to have made a sufficiently exhaustive use of the chronicle which we owe to his diligence. Its revelations on Tyler's important personal part in the negotiations at Mile End are well worthy of note, as are also the new demands of the insurgents recorded, especially one for the repeal of the statute of laborers.<sup>2</sup> Tyler's further requirements at Smithfield are equally important. Those of a religious nature provide that the goods of the clergy be seized and divided among the parishioners; that the lands and tenements of possessioners be divided among the commons of the realm; and that the hierarchy, with the exception of a single spiritual head for the Church of England, be abolished.<sup>3</sup> Such provisions surely deserve more than a passing notice<sup>4</sup> in a work of which Wiclif is the most prominent figure.

GEORGE KRIEHN.

*Margaret of Denmark.* By MARY HILL. (London: T. Fisher Unwin. 1898. Pp. vii, 156.)

THIS book is an attempt to give to English readers a general account of Margaret of Denmark, queen-regent of the three Scandinavian countries. Following the lead of the older authorities, Miss Hill is disposed to rank Margaret as one of the great queens of history, and even finds her worthy of comparison with Alfred the Great. Undoubtedly Margaret had some elements of greatness, but they certainly were not of the quality that excite our sympathetic admiration for Alfred. Although the opportunity was not wanting, she stood for no great idea. She might have welded the three Scandinavian countries into a mighty empire, and this is what the general student of history thinks that she did, but this empire was of the most superficial character. The union which she effected was based on the most short-sighted dynastic policy. Her main efforts were directed toward the fortification of royal authority in Denmark and the extension of her realm. In these things she was very successful under seemingly adverse circumstances, although much of her vaunted strength no doubt lies in its contrast with the weakness of opposing forces. She was, however, a crafty queen who ruled a large realm with subtle astuteness and sagacity, but not with broad-gauged wisdom. Her success was in a large measure made possible by a series of more or less accidental combinations, and by the general national impotence, and the political and social anarchy that characterized the latter half of the fourteenth century in Scandinavia.

<sup>1</sup>The author accepts Froissart's tale of the insolence of the insurgents toward the queen-mother in the Tower and her escape by water to the Wardrobe (p. 237). But we know from the testimony of the official city record (Riley, *Memorials of London*, 449), and from Mr. Trevelyan's own chronicle (p. 517) that she accompanied the King at Mile End. Other doubtful instances are pp. 226, 232, 244 n. 2.

<sup>2</sup>*English Historical Review*, XIII. 517.

<sup>3</sup>*Ib.*, 519.

<sup>4</sup>P. 220.

The laws of all three of the Scandinavian countries debarred a woman from wearing the crown ; but circumstances placed a sceptre in her hand, and she wielded it with such skill that from the rank of guardian to a fatherless prince, she became, after his early death, not only ruler of his domain—Denmark and Norway—but on account of her successful administration of affairs, she was invited by the dissatisfied nobility of Sweden to invade their land to assist them in expelling their incompetent king and become their sovereign. She accomplished the task, and thus became ruler of the three Scandinavian countries.

Margaret was born in 1353. Like Elizabeth of England, she was the daughter of a "coarse-fibred, firm-handed, vigorous king," Valdemar Atterdag of Denmark. He early discovered the essence of his own virility in her, and grumbled at the misfortune of her having been born a daughter. But he soon found her available on the royal chess-board. At a very early age she was given in marriage to young Haakon of Norway. Their son Olaf was in 1376 elected king of Denmark, upon the death of Valdemar. There had been much dispute over the succession, but Margaret's shrewdness seems to have turned the current of opinion toward her son. She herself was appointed regent during his minority. In 1380, through the death of his father, Olaf also fell heir to Norway ; but in 1387 he died, at the age of seventeen, whereupon Margaret became reigning queen in both Denmark and Norway.

The ease with which Margaret made herself sovereign in these two countries, where both law and custom were against her, reveals her powers of astute statesmanship. Whether from fear, or from respect for law and custom, we do not know, but Margaret immediately set about to fortify her royal position, and to insure a succession in accordance with her desires. Her only child was dead, and so she prevailed upon the powers in Norway to choose her grand-nephew, Erik of Pomerania, as her successor. A little later she saw fit to have him elected king under her guardianship. She now turned her attention to Sweden, where, with the encouragement and assistance of the nobility, she succeeded in ejecting Albrecht of Mecklenburg, whereupon, in 1396, Erik of Pomerania was elected king. The next year, on the occasion of the convention at Kalmar, he was crowned king of the united Scandinavian kingdoms, but Margaret continued to hold the reins of government until her death in 1412. She might have worn the triple crown herself, but she seems to have been content with her position as actual ruler, without the ostentatious adjunct of a crown. No doubt she had excellent reasons for her course of procedure, but they are not recorded.

Margaret is best known to the world in connection with the Union of Kalmar, which bears the date of July 20, 1397. But recent investigation has shown that the document promulgated on this occasion was entirely invalid. After having obtained a secure foothold in Sweden, she summoned representatives of the three kingdoms to a meeting in Kalmar, where a draft for a constitution was made upon which the union was to be based, and in which the law of succession was to be incorporated.

But although she had met with but little opposition in having Erik elected king of the three countries, she seems to have found it impossible to induce the representatives at Kalmar to frame a constitution to her liking. To judge from her whole life, she had evidently contended for a strictly hereditary and unlimited monarchy, whereas Sweden and Denmark favored an elective one and their representatives succeeded in getting their ideas incorporated into the constitution. Moreover, from all the acts of her reign it is evident that she stood for the supremacy of Denmark, not for a union of three independent countries, as the constitution vouchsafed. These disagreeable elements no doubt account for the fact that Margaret never took the necessary steps to make the document valid. She seems to have let it go by default, for there is no trace of any copies of this first draft having been made for each of the countries in accordance with the stipulations of the original draft. Moreover, the document does not bear the seal of a single Norwegian representative. Miss Hill repeats the error of the older writers on this subject when she speaks of the instrument framed at Kalmar as one that became legally binding, and says: "Two exact copies of this treaty, written on parchment, were given to each kingdom, to which four prelates and thirteen gentlemen 'freely and voluntarily' placed their seals."

It is to be regretted that Miss Hill has not had access to any of the modern historians of Scandinavia. She speaks of the scantiness of her material, and it is indeed scanty when she knows only one unimportant Scandinavian writer of this century. The greater historical writers of all of the Scandinavian countries have of course discussed Margaret, but the authority on her is Professor Christian Erslev of the Copenhagen University, whose work entitled "*Dronning Margarethe og Kalmarunionens Grundlæggelse*," 1882, is a most reliable account of the great Northern queen, based on the most searching investigation of original sources. The light he casts on the dark epoch of Margaret's reign, when intellectual life was at its lowest ebb, leaves her a ruler of less heroic mould than the traditional Margaret, and detracts much from the significance of the convention at Kalmar. Meanwhile, until some one gives us in English the story of Margaret's life based on Erslev's work, we are grateful to Miss Hill for her book, which, like the old authorities on which it is based, is correct enough in dates and the superficial facts of her life, but not to be relied upon for a just and critical estimate of Margaret and her times.

JULIUS E. OLSON.

*Catalogue of the Library of Syon Monastery, Isleworth.* Edited by MARY BATESON, Associate and Lecturer of Newnham College, Cambridge. (Cambridge: University Press. 1898. Pp. xxx, 262.)

SYON Monastery was founded under the rule of St. Bridget in 1415 near Twickenham, was transferred to Isleworth in 1431 and was dissolved in 1539. It contained two libraries, one for monks and the other for nuns. This catalogue, which represents the monks' library, was com-

piled about 1504 and was added to and corrected, but not improved, by later hands up to the year 1526. It is now manuscript 141 of Corpus Christi College, Cambridge. The catalogue consists of (1) a classified list of 1421 works, manuscript and printed, giving the title, shelf-number, name of donor and the first two words of the second folio of each work, (2) an alphabetical author-index. Miss Bateson has provided her edition of this work with an introduction, notes, a fac-simile page and several valuable supplements and appendices. Perhaps the most valuable of the original contributions, is the identification of more than 400 editions of the printed works by means of the catch-words. The identification of actual copies has been so difficult that only six volumes out of the whole number are known to be now in existence.

The value of the document itself is chiefly for the history of monastic life and for the history of books and libraries. Much of this has been drawn out by Miss Bateson in her introduction and notes. It appears that the monks had little use for anything but Latin,—one Hebrew, three Greek, four French, and twenty-six English works representing the total of alien tongues in this large library; but the Latin books showed a model literary taste, at the same time classical and up to date.

The catalogue touches civil history in the list of donors at several points, notably in the names of Richard Reynold, hanged for denying the royal supremacy in 1535, and Richard Whytford the friend of More.

In the matter of library history this catalogue contributes many interesting items. It was curiously modern in many respects. It was classified and its notation, in which the class-number is a letter and the book-number a figure, points to a system of "relative location," whether the numbers painted "*ad extra*" were on the book or on the case; if the former then it was strict "relative location." Miss Bateson reasons out, from the fact of the library losses, the presumption that the library was, like many other monastic libraries of the time, an outside-lending library. She fails, however, to note that the great number of duplicates, which she ascribes to the natural disinclination to refuse a gift, points in the same direction. If it were an outside-lending library duplication would be only natural.

Altogether, under the skillful handling of Miss Bateson this at first sight somewhat unfruitful-looking source suggests many an interesting line of research into the history of culture. The work of editing, as might have been expected, is excellently done.

ERNEST CUSHING RICHARDSON.

*Ouvriers du Temps Passé (XV<sup>e</sup>—XVI<sup>e</sup> Siècles).* Par H. HAUSER, Professeur à la Faculté des Lettres de l'Université de Clermont-Ferrand. (Paris: Félix Alcan. 1899. Pp. xxxviii, 252.)

WHETHER it is that the time we live in is an age of disenchantment or simply that every subject of investigation regularly passes from a first idyllic stage into later and calmer conceptions; whether our critical

powers in this generation are greater than our synthetic, or it is only that we look at things with clearer eyes ; certainly many of the best results of current scholarship reach their principal end in destroying earlier and more fanciful beliefs. The realistic pictures of the life of our Aryan progenitors drawn by the earlier students of comparative philology ; the broad generalizations of Kemble and Maine and Maurer in the field of primitive Teutonic and Celtic society and government ; the universal formulas of the first evolutionists, have all faded away and left us more exact knowledge, it is true, and more modern statements, but no new formulas, and none of those generalizations for which the human mind longs.

The work of M. Hauser is another evidence of this tendency, in a later field. He proves the worthlessness of all attempts to estimate the absolute value of wages and of the cost of living at any past epoch, a good instance of this difficulty being found in the fact that of two historians especially familiar with the fifteenth century one makes the value of a given weight of coined silver six times its present value, the other forty times. If this is so, the greater part of the work of Rogers in England, and of the Vicomte d'Avenel in France, and the generalizations based on them are valueless, and a direct comparison of the condition of laborers in the past with that in the present is impossible. Again he shows that the supposed homogeneity of labor, the universality of organization into guilds, and absence of competition, at least in France and in his period, are a delusion. There were a great many "free" artisans, both employers and journeymen, who carried on their industry quite outside of the guild limits. The corporate type was that to which all industry tended to conform, and which was supported by all the strength of the existing craft organization, of the civic and of the national government ; but after all it was only an ideal, never reached, and always needing to be struggled for by those interested in the crushing out of unorganized labor. In the sixteenth century in France, M. Hauser declares that "free" labor is the rule, labor organized into guilds is rather the exception. Again, the old "industrial peace" is disproved. Disputes between employers and employees on the question of wages are shown to have been scarcely less active in those centuries, especially in the sixteenth, the era of the influx of bullion from America, than in the nineteenth.

The general attitude of the book is therefore quite destructive to old traditions. It shatters some old idols, dissolves old glamour, and banishes old romance from still another field of history. Its actual subjects of inquiry are, however, treated positively enough and there is abundance of concrete statement. Valuable chapters are given on the policy of Louis XI. toward the industrial and trading organizations, on the position of apprentices and of journeymen, on the relations between employer and employee, on wages, on the possibilities of access by apprenticeship and journeymanship to an eventual mastership, on women's work, and on social and religious fraternities within the limits of the



crafts. There is besides a detailed and interesting account of a long strike among the printers at Lyons and at Paris from 1539 to 1542, which bears so many familiar marks that it is hard to realize that it took place centuries ago and not within recent decades.

The French are just beginning to realize what a splendid body of material for their social history is in existence and to exploit it with their usual keenness and industry. There are three volumes of gild statutes for the city of Paris which have been edited by M. de Lespinasse, and other similar collections are being made for other French cities. The abundance of documents of this kind is remarkable. The activity of royal administrative officials, the consistent effort which the kings made from the middle of the fifteenth century onward to bring under their own regulation the industrial classes from which so much of their pecuniary and moral support was drawn, brought about the habit of enregistrement to a degree unknown in any other country of Europe. It is these registered ordinances, concessions, and agreements, in addition to royal decrees, to the chronicles, and to the pleadings in law-suits, that are now being utilized in such works as those of M. Fagniez and this of M. Hauser, to give us a quite new knowledge of earlier social conditions. That this knowledge is still not very well assimilated and generalized, that it is somewhat in the catalogue style is the principal, if not the only adverse criticism we have to make of the book under review.

E. P. CHEYNEY.

*La France au Milieu du XVIII<sup>e</sup> Siècle, d'après le Journal du Marquis d'Argenson.* Publié par ARMAND BRETTE. (Paris: Armand Colin et Cie. 1898. Pp. xxxv, 413.)

THE memoirs of the Marquis of Argenson are familiar to students; they contain in eight portly volumes much that is interesting and much more that is unimportant. The marquis was a person of active mind, who for a few months was minister under Louis XV. In office, he showed himself a man of integrity, but not of sagacity; with the best of intentions he usually decided on the worst of policies.

All his life he kept a journal, in which he noted the news and rumors of the court, in which he devoted much space to the expression of his animosities, which were numerous, and still more space to his chances of political advancement, in which years of discouragement did not destroy his hopes. Mingled with a great deal that is valueless, are reflections on the condition of affairs that are striking from their justice, and conjectures as to the tendency of the French government, some of which proved to be marvellously near the truth. M. Armand Brette has undertaken to cull from these voluminous memoirs what is most valuable for historical students, and these he has put in one moderate-sized volume. It is a work of some utility. The compilation of M. Brette presents in compact shape extracts, which together give us a picture of the condition of France in the middle of the last century. Argenson is, indeed, an au-



thority who must be used with some degree of care. He was an intelligent and patriotic citizen, distressed at the abuses which he found in political life, and often gifted with an accurate vision of the results to which such abuses would lead. But he was prone to exaggeration, and by no means accurate in his statements. From his memoirs, we can obtain just ideas of general conditions, rather than trustworthy information about actual occurrences.

The picture he gives is a gloomy one, and he dwells with iteration on its most discouraging feature, the incurable badness of the government. "The bad results of our absolute monarchy," he writes, "would make one believe that it is the worst of all government. . . . We see this in full display under the present ruler, a prince who is mild but inert, letting the abuses grow which will result in the ruin of the kingdom; there are no reforms, there is no improvement, officials are selected without intelligence, ancient prejudices are adopted without examination, all working to the nation's harm. . . . In the meantime, public opinion advances and mounts and grows, and this it is that may start a revolution."

In this inert government, slowly drifting to leeward, the worst evil was taxation, unwisely imposed and corruptly collected. "The public treasury," writes the marquis, "is like an insatiable abyss, and yet it cannot suffice for all the needs of prodigality. The officers of finance gain much, the people lack everything. . . . The arbitrary system of the *taille* is the worst evil of the state; the receivers of the *taille* grow rich, the expenses of collections are greater even than the tax itself."

Any increase in prosperity resulted only in increased taxation. "The collector in my village said the *taille* ought to be increased this year. He had noticed the peasants were fatter than elsewhere, that they fared well and prospered well. It is such reasoning," continues the writer, "that discourages the peasants, and would have made Henry IV. weep."

It was not often that an official could find grounds for increased taxation in the prosperity of the peasants. "I am now in the country," writes Argenson, "I see misery everywhere, and hear no talk of anything else." "I am at present at my home in Touraine. I see only a lamentable condition of misery; it is no longer the feeling of need, it is despair which possesses the inhabitants; their only desire is for death."

Doubtless the marquis, justly irritated at the results of misgovernment, sometimes exaggerated the evil conditions he saw. Extreme poverty, general though not universal in the country, was accompanied by growth in wealth and population in the cities. Even Argenson in his laments expresses wonder at the steady rise in the value of land in Paris, for which he suggests every explanation but the true one. But whether the peasants' lot was growing worse, or the manufacturers' and merchants' lot was growing better, all worked together towards the overthrow of a government that was no longer fit to govern. "All the orders are discontented," says our writer, "and the common people are consumed

in misery. . . . All these materials are combustible, an *émeute* can cause a revolt, and a revolt a revolution." In all the eight volumes of memoirs, there was no more accurate statement.

JAMES BRECK PERKINS.

*Memoirs of the Life and Writings of Edward Gibbon.* Edited with Introduction and Notes by OLIVER FARRAR EMERSON, A.M., Ph.D., Professor of Rhetoric and English Philology in Western Reserve University. (Boston and London: Ginn and Co. 1898. Pp. lxxv, 279.)

THIS edition of Gibbon's *Autobiography* is characterized by a reconstruction of the text on the basis of the recently published original drafts. In framing this new text Professor Emerson begins with draft "F," to use the designation of the Murray edition, as far as it goes, and then adds in order such portions of B, C and E as are not repetitions of what has already been given. The texts of these drafts are given without interpolation or suppression. The rest of the material which the first Lord Sheffield used in the construction of his text is presented in the introduction and notes. This is also the first edition of the classic to receive systematic annotation. The editor has prefaced his text with a full and discriminating introduction which gives much evidence of careful research.

Unfortunately, one exceptionally valuable contribution to Gibbon literature has escaped his notice. I refer to the late Gen. Meredith Read's *Historic Studies in Vaud, Berne, and Savoy from Roman Times to Voltaire, Rousseau and Gibbon* (Chatto and Windus, 1897). The last 250 pages of Vol. II. are devoted to Gibbon and contain a mass of hitherto unpublished materials throwing light on every phase of Gibbon's life in Switzerland. In particular Gen. Read gives many extracts from Gibbon's diaries and from the letters and journals of his friends. With this work at his side, Professor Emerson would have found the task of annotation lightened, and he would not have been obliged to say of Allemand, for example, p. 226, "Nothing seems to be known of this clergyman except what Gibbon tells." Read devoted a chapter to Allemand, (II. 134-158), and printed selections from his inedited correspondence.

The task of the first annotator is always a perplexing one, but Professor Emerson has acquitted himself very well. He has blinked no difficulties and he has been able to trace all but one or two of the literary references. One of these, curiously enough, has been printed by every editor in the unintelligible contraction found in Gibbon's manuscript as "Ramusius de Bello C. Paro." This he identified and prints as "De Bello Constantinopolitano."

That there should be a few mistakes in such pioneer work is not surprising. On p. 207, Laurence Echard, the historian, is taken for a French writer and the titles of some of his works are given in French. P. 222, for Boehart, read Bochart. On p. 237 Gibbon's remark that

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"the accession of a British king" had gone far to allay Tory feeling is explained as referring to George II. The reference is to George III., who said on his accession: "Born and educated in this country, I glory in the name of Briton." On p. 276 the editor nods in explaining Gibbon's simple assertion that "the writer who succeeds in London is speedily read on the banks of the Delaware and the Ganges," as follows: "That is, America and India. At this time Philadelphia was the great publishing centre of the one, Calcutta of the other." Obviously, it is not a question of publishing centres but of the confines of the English reading public. In the note on Ramusio, p. 272, the editor says that Ramusio's book "was printed in 1609 and never reprinted, so that this accounts for Gibbon's not being able to use it before." It was reprinted in 1634 or 1635 and it was this second edition which Gibbon used, as may be seen from the note descriptive of the work at the end of his sixtieth chapter.

An index would be a distinct help in the use of this edition and should be added in a reissue.

EDWARD G. BOURNE.

*Mirabeau.* By P. F. WILLERT, M.A., Fellow and Tutor of Exeter College, Oxford. [Foreign Statesmen.] (London: Macmillan and Co.; New York: The Macmillan Co. 1898. Pp. xi, 230.)

THIS volume is one of a series of brief biographies of statesmen that Macmillan and Company are publishing. The book is intended for the general public and contains no apparatus in the form of footnotes and, apart from the brief preface, no reference to the material used in the preparation of it.

Mirabeau was the most prominent figure of the first period of the Revolution, but no complete biography of the man has yet been published in English. Loménie's three large volumes and Stern's two volumes still stand alone. Mr. Willert's book, as a sketch of Mirabeau's life, is worthy to rank with the excellent short French biographies by Rousse and Mézières. He seems, however, to have been ignorant of Professor Von Holst's two volumes on Mirabeau (*The French Revolution tested by Mirabeau's Career*, Chicago, 1894), when he wrote in his preface: "I do not know that much of importance has been written in English regarding Mirabeau, except an essay by Macaulay." An essay that devotes about two pages to Mirabeau can hardly be called an important contribution to the literature on Mirabeau, while it is really worth the while of the student of Mirabeau's life to know what Professor Von Holst has written about him. Mr. Willert's volume is really a biography and treats at some length the period previous to 1789; the American work contains but one chapter on this period. Professor Von Holst cites his evidence, however, and for this reason would serve better as an introduction to the study of Mirabeau's life.

Apparently Mr. Willert's aim was to present in concise form the re-

sults of the investigations of such men as Loménie and Stern, supplementing their work by a first-hand knowledge of such material as is found in the *Mémoires* of Montigny, the correspondence of Mirabeau with La Marck and others, Mirabeau's notes to the Court, and his speeches. It is a work of condensation and not of original research. But to condense the life of Mirabeau into two hundred and thirty pages is a difficult task and Mr. Willert has performed it in a highly creditable manner. The proportions are good and the division into chapters shows excellent judgment. The latter part of the work is, to my mind, better than the first part. It shows a firmer grasp of the subject and more unity in the treatment of it. In the first part, not sufficient emphasis is laid upon the fact that the period from 1750 to 1789 in French history was characterized by the crystallization of public opinion in opposition to arbitrary power and that nearly everything that Mirabeau wrote during these years shows him to have been one of the most persistent and consistent advocates of this opposition. Mr. Willert is sympathetic in his treatment of Mirabeau, but it has seemed to me that now and then he is unfair in his treatment of the Revolution (p. 105).

Good as it is, the book is naturally not without defects. There is lack of uniformity in the treatment of French expressions; there are some obscure passages due to too great condensation or to the failure to follow the order of events, and there are some—not many—inaccuracies. The chief defect, as it appears to me, is the lack at times of sufficient background. How much background an historical work should contain is, of course, a matter of judgment, but I believe that the conservative critic would agree with me that Mr. Willert has not always given his Mirabeau a satisfactory setting.

The style of the book is most attractive, although at times (pp. 92, 229) the similes are considerably overdone. One of the most striking sentences that I recall is taken from a description of Mirabeau in the Assembly (p. 87): "His rough-hewn features and shaggy locks were suited, like the mask of an ancient actor, for distant effect." Could Macaulay have done better?

FRED MORROW FLING.

*Histoire du Second Empire.* Par PIERRE DE LA GORCE. Tome Quatrième. (Paris: E. Plon, Nourrit et Cie. 1899. Pp. 642.)

THIS is the fourth volume of the well-known work of M. de la Gorce on the Second Empire, and there are two more volumes to come. The period discussed is that from 1860 to 1866 and the volume contains not only an admirable account of that tumultuous and exciting era in French politics which culminated in the elections of 1863, but also long and practically complete chapters on the Mexican expedition, the Polish insurrection, and the whole Schleswig-Holstein affair leading to the Danish and Austro-Prussian wars.

The present volume brings out with exceptional clearness the chang-

ing conditions under which the Second Empire entered upon the second decade of its history, passing from the "simple and majestic unity" of the earlier years to the "great confusion" of the later; from the era of easy government to that of an administration confronted by manifold complications. "Ce fut la fatalité du Second Empire," says M. de la Gorce, "que les complications, les *questions* (comme le public prit l'habitude de les appeler) se succédèrent les unes aux autres sans laisser aux acteurs ou au spectateurs de la politique un seul instant de trêve ou de repos. À la *question d'Orient* avait succédé la *question italienne*; la question italienne été remplacée par la *question polonaise*: l'affaire de Pologne absorbait encore les esprits, et voici que surgissait la *question danoise*, conflit restreint en apparence, mais où toute l'Allemagne se passionnerait, où toute l'Europe prendrait parti, et où se verrait, dans un cadre moins tragique, l'image rapetissée de toutes les grandes violences qui s'accompliraient plus tard" (p. 468).

M. de la Gorce is, therefore, giving us something more than the tragedy of the Second Empire; he is in reality telling the history of western Europe during six important years of diplomacy and intrigue. In but one chapter is he upon the soil of France; in the others he is in Mexico, Poland, and Germany, just as in the earlier volumes he spent a large proportion of time in the Crimea, Italy, Syria, and China. In the present volume he devotes a third of his space to the Mexican difficulty. This seems excessive, the more so inasmuch as many of the negotiations of 1866 are passed over with but little comment. It is a disappointment to discover Napoleon's dealings with Austria disposed of in a few paragraphs, and Bismarck's famous proposal of June 10 dismissed most summarily in six lines, particularly when we remember how much space was allotted to the movements of the French army from Vera Cruz to Mexico.

On disputed questions M. de la Gorce is on the whole conservative. There is no evidence of partisanship in his attitude toward Germany, though he is severe in his judgment of Bismarck, and is inclined to depend on Benedetti (*Ma Mission en Prusse*) and La Marmora (*Un Peu Plus de Lumière*) rather more than upholders of Bismarck will like. He acquits Napoleon of duplicity in 1866 and seems to accept his letter of June 12 to Drouyn de Lhuys as a true explanation of the imperial policy; and he explains Napoleon's concurrent negotiations with Austria and Prussia as due to the Emperor's avowed determination to preserve an even balance between the two powers that he might be competent after war had actually broken out to play the part of impartial mediator (p. 614).

As was the case with the earlier volumes so here we find no especially authoritative utterance due to the discovery of any new material. M. de la Gorce has made no such contribution to history as have Stern and Von Sybel. He is a skillful and careful co-ordinator, using impartially and impersonally the extant printed materials and presenting his conclusions with exceptional lucidity and charm of style. His work de-

serves to be translated, for it will be when finished unquestionably the ablest history of the period from 1850 to 1870 that we possess now or are likely to possess in the near future.

CHARLES M. ANDREWS.

*Histoire de la Troisième République.* La Présidence de Jules Grévy. Par E. ZEVORT, Recteur de l'Académie de Caen. (Paris: Félix Alcan. 1898. Pp. 546.)

THIS third volume of M. Zevort's history of the French Republic covers the nine years of Grévy's presidency, from January, 1879, to December, 1887. The period is less exciting, and to the general public less interesting, than those treated in M. Zevort's earlier volumes, but to the student who wants to understand the real working of the present French government, it is far more important. The heroic period of the Republic had ended, and the enthusiasm that greeted its birth had faded into the light of common day; but for that very reason the history of the time furnishes a genuine test of the existing political institutions. M. Zevort's work supplies, therefore, a real want, for it gives us a narrative of current politics under the Republic which cannot be found in a convenient form elsewhere. It is not a philosophic study of the times, but a narrative of political events, a history of the succession of short-lived ministries, their struggles in the chambers, the measures they carried, and the causes of their fall. While the author lays a proper stress on the great laws on education, the press, public meeting, etc., passed during the earlier years of this period, he may be criticized as being too conscientious, as mentioning too many of the bills brought before the chambers. He has a little tendency to cram the book full of detail, and thereby injure its perspective, but while this makes the work somewhat less interesting to the general reader, it is none the less valuable to the student.

Although M. Zevort is, on the whole, cautious in his judgment of men, he lets us see very clearly that he has not a high opinion of President Grévy's character. He attributes the lack of party discipline and the consequent instability of cabinets in no small part to the President's jealousy of public men, and especially of those leaders who belonged to the same wing of the Republican party as he, and consequently whose political opinions were, on the whole, most nearly like his own. To this jealousy, M. Zevort attributes the failure of Gambetta to become chief of the first ministry after Grévy's election; and, in his opinion, that failure was a permanent source of harm. The real leader of the majority ought, of course, to be at the head of the ministry, and he thinks that his absence from that position made party discipline impossible. The President's jealousy was not limited to Gambetta, and did not cease on his death, but extended to the leaders who succeeded him, and especially to Ferry, whom the author looks upon as the next greatest figure to Gambetta in the Republican ranks. He thinks that Ferry did not have the



cordial support of the President, and that again, after Ferry's fall in 1885, Grévy made matters worse by coquetting with the radical leaders, men who were themselves, from their traditional tone of mind, incapable of being at the head of the government.

The book gives an excellent idea of French politics during the comparatively quiet period intervening between the resignation of MacMahon and the rise of Boulanger; but of course it was written from the outside and not from the inside. The descriptions of motives are in the main surmises, so far as they are not revealed by contemporary speeches and publications. This is not, however, a fault, because it is inevitable in the case of a history written so near the date of the events which it describes.

*A History of the Colonization of Africa by Alien Races.* By Sir HARRY H. JOHNSTON, K.C.B. (Cambridge: University Press. 1899. Pp. xii, 319.)

SIR HARRY JOHNSTON is well known in colonial and geographical circles as an authority on the erstwhile Dark Continent. He has traversed it in North, South and centre; he has served his government as consul and administrator; he has been personally concerned in the making of some pages of its later history; and he has written several works bearing on African subjects. The selection of his name by the editor of the Cambridge Historical Series was therefore justified on the ground of first-hand acquaintance with the theme.

The scope of the present work includes a survey of colonization from the earliest times to the present. Africa before the Europeans is briefly sketched, followed by accounts of the Portuguese, Spanish and Dutch in Africa. The historian here turns aside to give a succinct narrative of the slave trade. Resuming, he follows the British through western and northern Africa, and after them the French. He again inserts a *résumé*, this time of the Christian missions, returning to the British in southern Africa. The topic of exploration is rapidly handled, leading up to the colonizing activities of the Belgians, of the British in the East, of the Italians, of the Germans, and of the French in Madagascar. In conclusion the author takes an "outlook" of the situation, and attempts to forecast the continent's development. A supplement of recent events, a chronological appendix of leading facts, a bibliography, and an index complete the volume, which is illustrated by eight maps.

It is possible that this arrangement is the best obtainable. No doubt there are considerable advantages in treating colonial evolution nation by nation. Yet unity of impression is certainly impaired, and some repetition has resulted. Surely the record of the last twenty years might have been rendered more readable and instructive by considering it as a whole, and avoiding the abrupt breaks from British to French and back to British, Germans, and French. The truth is that the "scramble for Africa" since 1883 is an international subject of such surpassing importance that it is obviously entitled to a consideration apart, like the "Far Eastern



Question" or the "Congress of Vienna." As such an era the period has been well treated by Scott-Keltie in his *Partition of Africa*.

Aside from the question of arrangement, the present volume shows evidence of wide reading in the literature of exploration and colonization. It is filled—well-nigh crowded—with facts. The reader has the feeling that no significant statement touching on African development has been omitted. The style is clear, if not particularly attractive. The writer's judgments are sane, and the tone is usually moderate. Sometimes a reference to London interference in affairs colonial calls forth a display of feeling not unnatural from an actor in the furthering of British imperial designs. An occasional personal touch distinguishes the traveller and diplomat from the "arm-chair" student. The maps—an essential matter in a work of this nature—are necessarily small, but are useful in illustrating the various political and ethnological "spheres." Volumes of African travel, adventure and campaigning are many; the list of strictly historical books is short, and in it Johnston's manual will have an honorable place.

EDMUND K. ALDEN.

*The Life and Work of Thomas Dudley, the Second Governor of Massachusetts.* By AUGUSTINE JONES. (Boston: Houghton, Mifflin and Co. 1899. Pp. xi, 484.)

THE biography of Thomas Dudley, the second governor of Massachusetts, by Mr. Augustine Jones, is a stout volume of 436 pages, aside from the appendix, and considering that Dudley left hardly anything behind him, the book seems, to say the least, ample for the subject. At heart, however, Mr. Jones is less concerned with the case of Governor Dudley than with that of the orthodox party of the Puritan Commonwealth, and he has mainly written to defend his heroes against their modern critics. Indeed there are few literary phenomena which mark more clearly the movement of modern thought than the change in the attitude of Massachusetts historians within a generation. Dr. Palfrey assumed as an incontestable truth that the founders of the Puritan Commonwealth were, in all great and good qualities, raised above the standard of other human beings; that they were, in fact, beyond criticism. Mr. Jones, on the contrary, is nervously alive to the carping spirit of his time, and is never tired of declaring that "there are indifferent citizens in the old Commonwealth who detract from the just merits of her heroes . . . with every refinement of severity" (p. 429).

Meanwhile, however, it is principally owing to this sensitiveness that Mr. Jones has made a readable book. He has chosen for his subject Thomas Dudley, who though of undoubted ability and determination has always stood as the representative of the ultra-clerical party, and has passed, moreover, for a man uncommonly sharp at a bargain and short in the temper. However this may have been, Dudley certainly became embroiled not only with all sorts of blasphemers and heretics, but with Governor Winthrop himself.

Mr. Jones has gone at length into these quarrels and has collected some very entertaining gossip, which he has accompanied with a commentary. Evidently he feels, when dealing with those who gore his own ox, that John Winthrop himself was not free from that sanctimoniousness which has been considered a Puritan attribute. "Dudley always began the trouble, as Winthrop related it; he was the cause and effect of all the wrong" (p. 109). On one occasion Dudley questioned Winthrop's administration, whereupon "the Governor admits that he spoke 'somewhat apprehensively.' The Deputy began to be impassioned and told the Governor, that, if he were so round, he would be round too. The Governor bade him be round, if he would, so the Deputy (Dudley) rose up in great fury and passion" (pp. 108, 109). Mr. Jones points out that in this dispute Governor Winthrop did not "appear at his best, even with the great advantage of being allowed to tell the story with no opportunity for the other side to be heard" (p. 110). For, as Mr. Jones observes, the ministers who acted as referees sustained Dudley.

Winthrop, on his side, found fault with Dudley as a usurer. "Here," as Mr. Jones sarcastically explains, "the generosity and patriotic, self-sacrificing character of the Governor appear in contrast with the selfishness of Dudley. He had already prepared us to expect this in his graphic picture of Dudley 'selling seven bushels and a half of corn to receive ten for it after harvest.' And so far as I have been able to learn, it is from these two passages that the false story of Dudley's stingy character originated" (p. 111). Mr. Jones also falls foul of the anecdote that when Governor Winthrop was on his deathbed Dudley came to him and asked him to banish a heretic, which Winthrop refused, saying: "He had done too much of that work already." Mr. Jones declares the tale to be false, and furthermore says that even if true it only shows that Dudley did his duty, for if the governor were incapacitated the deputy-governor "ought not to be held up to the execration of the world in comparison with the compassionate Winthrop, who, in health and vigor, having no veto power, would not have hesitated to execute the order of the court" (pp. 208, 209).

We regret to say that Mr. Jones does not enter into the Antinomian and Anabaptist controversies as fully as he might, nor does he deal with the case of Roger Williams in what seems to us a satisfactory manner. The inherent vice in most of the writing dealing with Massachusetts ecclesiastical history is its lack of sincerity. Down to the time of Dr. Palfrey, the perfection of the Puritan Commonwealth was accepted as an article of orthodox faith, much like the authenticity of the Scriptures. Within the last generation the Puritans have been subjected to criticism very much as the Bible has, and many of the old positions have been made untenable. The orthodox have thus been placed in a dilemma. Unwilling to change their attitude towards their ancestors, and unable to deny facts, they either avoid painful topics or resort to reasoning akin to paradox, as for example, maintaining that Roger Williams left Massachusetts "solely on political grounds . . . which had nothing to do with

religious liberty" (p. 198). In our opinion neither the cause of the Puritans nor the cause of historical criticism is to be advanced by such methods as these. The founders of Massachusetts stand in no need of apology or defense. They were men of extraordinary power and vigor, who left England because their very strength made England uninhabitable for them. They came to America to rule, and, established in America, they maintained their sovereignty unflinchingly to the last. In this struggle they sometimes banished, starved, tormented and put to death their opponents, and in doing so they only did what all strong men have always done when fighting for supremacy. Their descendants have considered it an act of filial piety to represent them as a species of saints, whose actions were not regulated by the same causes which ordinarily control humanity. In fact, they were a generation devoured by the strongest and fiercest passions which can inflame the mind, and under the sway of those passions they acted as all men of like strength have acted, in all ages of the world, when their power has been imperilled, whether those men were Calvinists of the Scotch Kirk, or Episcopalians like Laud, or the Catholics of Saint Bartholomew—or heathen of the stripe of Tacitus and Marcus Aurelius, who believed that property in Rome was threatened by Christian Socialism.

*Collections of the Massachusetts Historical Society.* Sixth Series, Vol. X.; Pepperell Papers. (Boston: Published by the Society. 1899. Pp. xvi, 729.)

THE contents of this volume are of the highest importance for the history of King George's War, and particularly for the crowning event of that war—the siege and capture of Louisburg—which the preface of the volume justly denominates "the most important military enterprise ever undertaken by the English Colonies in America." France had fortified Louisburg at an enormous cost. It was the richest American jewel that had ever adorned the French crown. Its situation for the protection of Canada was excellent; and it formed at once an advantageous strategic point from which to harass the contiguous English-American colonies. Massachusetts and Nova Scotia in particular began to feel the destructive power of the French; and the Bay government was virtually responsible for the preservation of the latter.

William Vaughn, son of Lieutenant-Governor Vaughn of New Hampshire province, was, without doubt, one of the first to suggest an expedition against Louisburg; and he played a not uncertain part during its progress and in its successful issue. But to Gov. Shirley of Massachusetts Bay must be awarded the honor of the first official act in the matter. He urged it upon the various legislatures. Singularly enough, his own legislature, after some hesitancy, agreed to the expedition by a majority of only one vote. Over four thousand men were raised by Massachusetts, New Hampshire and Connecticut. The names of many of them are printed in the *New England Historical and Genealogical Register*, Vols. XXIV. and

XXV. ; in a small volume recently (1896) printed by the state of New Hampshire ; in the appendix to the volume here reviewed ; and a list of the commissioned officers, from the registry in the British War Office, was printed by the Society of Colonial Wars, in connection with the 150th anniversary of the surrender—an ever memorable date, June 17, 1745. The historical sources of this famous event are given in detail in Winsor's *Narrative and Critical History*, and in Bourinot's special monograph on Cape Breton, printed by the Royal Society of Canada.

Some of the official documents of these "Pepperell Papers" were printed in the first volume of the Society's *Collections*, under the care of Dr. Jeremy Belknap, who had presented them to its archives in October, 1791 ; but the private letters were not included. The manuscripts were examined by Dr. Usher Parsons for his *Life of Sir William Pepperell*, and Parkman used them for his *Half-Century of Conflict*. A moderate use of them was also made by a few other writers. They consist of Belknap's original bequest, supplemented by later additions from his representatives ; and a few have been added from other sources. Thus we have now presented in full, for the first time, a mass of matchless material of absorbing interest. The documents consist of a "Register of the Councils of War," from April 5, 1745, to May 14, 1746, covering 64 pp. ; a "Copy Book of Orders," from June 20, 1745, to May 14, 1746, pp. 67-98 ; military and private correspondence, arranged chronologically, from February 4, 1745, to September 12, 1746, pp. 99-494 ; and an appendix of rosters, agreements, accounts, sick-lists, deaths, etc., pp. 497-563. The volume also contains an exhaustive index (162 pp.) to the ten volumes of the Sixth Series, but, unfortunately, the names in the appendix to the volume under consideration have not been included.

The Christian names of many of the persons indexed are omitted, yet with little research most of them could be supplied. Ordinarily this is not very significant ; but in such a case as that of Capt. David Donahew the omission is more serious. Donahew, in March, 1745, having decoyed and captured three Indians who were in the French interest, learned from them that Annapolis Royal would certainly be besieged that spring. This was actually the case. The greatest mischief accomplished by the besiegers, as stated by Mascarene (p. 230), was "the taking of two schooners coming from Boston with private stores." It is now known that they were the *Montague*, commanded by Capt. William Pote, and the *Seafflower*, commanded by Capt. James Sutherland. The details of the siege at Annapolis, as well as Donahew's great services, are given in Pote's *Journal*, edited by the undersigned and published in 1896. Donahew's exploit in Tatmegouche Harbor contributed very materially toward the capture of Louisburg. Had he not intercepted this besieging army on its way to Louisburg, the New Englanders would have been, without doubt, greatly harassed by the reinforcements ; and the French governor, Duchambon, distinctly stated that the loss of this looked-for succor proved disastrous at a time when such help would have meant victory. Donahew's death is alluded to on p. 324. In the *Pennsylvania Gazette* for August

8, 1745, it is detailed in all its horrors, on the authority of one of his own party. On p. 272, note, it is stated that Lieut.-Col. John Gorham "died in 1751 or 1752;" but we are able to state that he died in 1752 (see Parker's *New York Post-Boy* for March 30, 1752). In a foot-note on p. 154 there is some speculation about a Capt. James Noble and a Lieut. James Noble. However, the former was a brother, the latter a son of Lieut.-Col. Arthur Noble, who was slain at Minas, January 31, 1747, during that unhappy affair. The son died of a fever at the age of eighteen, at Louisburg, September 26, 1746. The brother married, in 1714, Jane Vaughan, sister of Col. William Vaughan. On p. 230 Mascarene's date of birth is given as 1684, but October, 1685, is the correct date. The earlier date would, in fact, not be favorable to the reputation of his parents, who were honest and suffering Huguenots. These notes, taken wholly at random, might be extended, but will suffice for the purpose in hand.

The editor remarks in his preface that "many of the letters bear abundant marks of having been written under unfavorable circumstances and in great haste." Well may this be! Something of the conditions which prevailed may be gleaned from a document written at the time by Capt. Thomas Westbrook Waldron, and in our possession. He says: "We are all in a Crowd, besides, the Edge of a Board is my Chair, and a Quire of Paper my Table to write on."

We take pleasure in commending the "Pepperrell Papers" to all students interested in the period to which they relate. They are indispensable.

VICTOR H. PALTSITS.

*First Explorations of Kentucky. Dr. Thomas Walker's Journal of an Exploration of Kentucky in 1750, being the First Record of a White Man's Visit to the Interior of that Territory, now first published entire, with Notes and Biographical Sketch. Also Colonel Christopher Gist's Journal of a Tour through Ohio and Kentucky in 1751, with Notes and Sketch.* By J. STODDARD JOHNSTON, Vice-President of the Filson Club. [Filson Club Publications, No. 13.] (Louisville: The Filson Club. 1898. Pp. xix, 222.)

THE propriety of including the Walker and Gist journals in the admirable series of monographs issued under the name "Filson Club Publications" is so obvious that one cannot help wondering why they come so late as No. 13, especially since No. 1 appeared as long ago as 1884. The answer to the question suggested is given, in part at least, by some facts that the editor of the volume states incidentally. The two journals, while valuable in themselves, find much of their interest in great facts of national and international concern that the editor sets forth with reasonable compass and clearness in his introduction and biographical sketches. The treaty of Aix-la-Chapelle had not long been signed, bringing to a

close the fourth of the struggles between Great Britain and France in North America and leaving the way open for the fifth one, when two great land-companies were formed in London, under royal charter, consisting mainly of Virginians, for the purpose of exploiting lands west of the Alleghenies and promoting settlements, as well as, in the case of the second company, of carrying on trade with the Indians. Early in 1750 the Loyal Land Company sent Dr. Thomas Walker, whose residence was at Castle Hill, near Charlottesville, Va., surveyor and man of affairs, as well as physician, into southeastern Kentucky to explore the region with reference to making advantageous locations of land. Later in the same year the Ohio Company sent the veteran woodsman Christopher Gist, whose home was in North Carolina, on the Yadkin, into the heart of the Ohio Valley for a similar purpose. Gist was also entrusted by Governor Dinwiddie of Virginia with some delicate duties in respect to the Ohio Indians. He made his way across southern Ohio as far as the Great Miami River, crossed the Ohio, plunged deep into the central part of Kentucky, and then made his way homeward through the eastern part. The first expedition lasted over four months; the second one over six months. These explorers were the first white men to make careful observations in those extensive regions and to report their results to the world. The business with which each was charged made it necessary for him to record what he saw; hence the journals, which are interesting examples of the mental and literary habits of the best class of frontiersmen at the middle of the last century. Walker's journal remained in manuscript until 1888, when the major portion of it was published by Mr. W. C. Rives; the few leaves that were then missing have since been found, and the whole is now, for the first time, given to the reading public. Walker, by the way, must have been an ardent loyalist at the time of his expedition, or at least an admirer of the hero of Culloden, for he named for the royal duke the Cumberland Mountains and the Cumberland River as well as Louisa River for the duke's sister; which, however, did not prevent his going, heart and soul, with the patriots in 1775. Gist's journal, which is the more interesting of the two, was published by Pownall in London in 1776, and again by W. M. Darlington in Pittsburg in 1888.

The editor has prepared the two documents for the public with care and good judgment. He has carefully retraced the lines of travel that Walker and Gist followed, correcting some old errors as to Walker's path, and has liberally illustrated the texts with historical and geographical notes. But good as the editing is in the main, it should in one particular have been better. The editor should have told something more about the authority on which he accepts as historical the Wood Expedition, said to have been made from the Appomattox to New River, an affluent of the Kanawha, in 1771. Mr. Parkman once said that this story was not sustained by sufficient evidence. Our editor gives three pages in his introduction to the expedition, merely referring for his authority to "the quaint journal of Thomas Batts, who was one of its members," but on a later page he says that the journal exists in manu-



script in Colonel Durrett's library in Louisville, Ky. We shall hope that it is one of the "journals" of exploration west of the Allegheny Mountains that Colonel Durrett says in his preface the Filson Club has marked for publication. We could have wished, too, for some bibliographical notes in connection with the treatment of the Loyal Land Company, but we have nothing. And so with respect to the Ohio Company. If the original papers of this company are still in existence, there are those who would like to know the fact, and also to be told where they are; but no matter whether they are in existence or not, we are entitled, in such a case as this, to some fuller indication of sources.

Introductions, biographical sketches and appendices consisting mainly of minor documents accompany each journal as well as the commentary. In respect to ancillary documents that would illustrate the journals, we rate the work below Mr. Darlington's edition of *Christopher Gist's Journals*, already mentioned—a title that reminds us of the fact that Gist made two other exploring expeditions south of the Ohio besides the one here reported. Still the work is a valuable contribution to history, and, it is almost needless to say, appears in the sumptuous style that has marked the publications of the Filson Club from the beginning. Viewed from the safe distance of a century and a half, the simple transactions here narrated in the simplest manner may not seem to be important; they did not indeed immediately hasten the enterprises upon which the two land companies had entered, but rather tended to defeat them; but they did hasten transactions of such tremendous importance that, for the time, the two land companies, Walker and Gist, their plans and explorations were forgotten. Perhaps there are in our history no records of purely business undertakings that led more directly to results of cardinal importance, or more clearly demonstrated the close connection of business affairs with political and military history.

B. A. HINSDALE.

*The American Revolution.* By the Right Hon. Sir GEORGE OTTO TREVELYAN, Bart. Part I., 1766–1776. (London and New York: Longmans, Green and Co. 1899. Pp. xiv, 434.)

To the critic who demands correctness of historical proportion, it is something of a shock to find a history of the American Revolution beginning with a chapter on the gambling escapades and the youthful correspondence of Charles James Fox. While it is undoubtedly true that "the story of Fox between 1774 and 1782 is inextricably interwoven with the story of the American Revolution," it is less obvious that the history of this epoch requires so extensive a warp of the biography of Fox, as runs through the present volume. The explanation is furnished by the author, however, who tells us that it was impossible for him to continue the biography of Fox, which he left but partly written eighteen years ago, without a broad survey of the whole field of English and American relations in the period of the war for independence. The



volume is thus an attempt at a biography of Fox and a history of the Revolution at the same time ; a distorted perspective was inevitable.

This distortion, however, is not so great as the first chapter would lead us to expect. But the author's position, as the apologist of Fox, furnishes another peculiarity of the book ; it is an important reaction from the recent American tendency to state the English side of the case, in this momentous struggle between mother country and colonial dependencies. Trevelyan is distinctly as vigorous and thoroughgoing a critic of the policy of the English government as any of the earlier radical American historians of repute, who have dealt with the subject. In this respect the book is likely to exercise its most important popular influence. It is the most effective presentation of the fact that the struggle for independence was in truth a phase of a struggle between two great English parties, fought out on both sides of the water : in the mother country in the forum, in the colonies on the field of battle. The general reader will find no stronger statement of the justness of the cause of the colonists than is embraced in this volume. Indeed, at times the author's party predilections and his admiration for things American seem to have led him to neglect some of the strong points in the government's side of the case.

A third peculiarity of the book is likewise due to its biographical character. In no other history of the period are so clearly brought out the contrasts between the personalities of the leaders of the contest on either side of the water. The picture of American society which the author draws by his gossipy presentation of the traits and daily life of men like Franklin, the Adamses, Hamilton, Putnam, Greene and Washington furnishes a clever foil to the picture of contemporaneous high life in England, as revealed by the careers of Fox, the Duke of Grafton, George III. and his "friends," and all the pleasure-loving English statesmen, who "for a fox-chase quit Saint Stephen's dome," or

"At crowded Almack's nightly bet  
To stretch their own beyond the nation's debt."

It must be admitted that the portraits of the rival societies are done rather in the spirit of the raconteur than of the prosy historian, who attempts more thorough-going study of the rival civilizations ; and yet in spite of the conversational lightness of the tone, the chapter on Britain and her Colonies is not only immensely interesting, but is a valuable contribution. One of the most noteworthy defects in the view on the colonial side, is the lack of discrimination between sections in America. For example, it is spreading New England's type over too large an area, when the author declares that the children of what in Europe was called the lower class were "taught at the expense of the township." The planter type of aristocracy nowhere receives adequate portrayal, nor are the aristocratic tendencies of the society of parts of New England and the middle section recognized.

Aside from the social and economic factors, the author fails to give

any adequate account of the eighteenth-century legal, administrative, and political contentions between the authorities of the mother country and the colonies. Strange to say, the work of Chalmers on this subject, to say nothing of the material in the Public Record Office, has either been left alone, or rejected for the more appetizing personalities in the correspondence furnished by the Historical Manuscripts Commission, memoirs, etc.

It is needless to say that this constitutes a grave limitation on the value of the book as a study of the origin of the war for independence. But it cannot be denied that it is delightful reading. It was a happy thought to contrast the men and measures of the Continental Congress of 1774 with the general English election of that year. Here the author gives us a most helpful insight into the radical unlikenesses between the contending forces. Perhaps the chatty sidelights on the careers and characters of the soldiers and statesmen who fought out the opening period of the Revolution are the most characteristic features of the author's treatment. The phrase used by him in the opening paragraph of the first chapter, "epicure in history," is not an inapt description of some of his tendencies. Occasional overstatements are perhaps due to this love of the striking. Such for example are the affirmations that American independence must result from the Boston massacre; that the tidings of the burning of Falmouth and the news of the British intention to use German mercenaries by their simultaneous effect "killed outright all hope, or even desire of conciliation;" and the comparison of Governor Hutchinson to Verres.

Among the most interesting pages in the book are the sketches of the battle of Lexington and the battle of Bunker Hill. In connection with the latter, one is impressed with the author's tribute to the British valor on that day.

"For they had that in them which raised them to the level of a feat of arms to which it is not easy and perhaps not even possible to recall a parallel. Awful as was the slaughter of Albuera, the contest was eventually decided by a body, however scanty, of fresh troops. The cavalry which pierced the French centre at Blenheim had been hotly engaged but, for the most part, had not been worsted. But at Bunker's Hill every corps had been decimated several times over; and yet the same battalions, or what was left of them, a third time mounted that fatal slope with the intention of staying on the summit."

No less interesting is his tribute to Washington and his penetration into his military capacity. "On those rare occasions," he writes, "when Washington had the means to assume the offensive, his action was as swift, as direct, as continuous, and (for its special characteristic) as unexpected as that of any captain in history."

The volume brings the war down to the evacuation of Boston. No reader of the present work will be likely to await with anything less than impatience the continuation of this most interesting and in many respects

novel view of the great epoch of separation between the Anglo-Saxon people of America and England.

FREDERICK J. TURNER.

*Esek Hopkins, Commander-in-Chief of the Continental Navy during the American Revolution, 1775 to 1778, Master Mariner, Politician, Brigadier-General, Naval Officer and Philanthropist.* By EDWARD FIELD. (Providence: The Preston and Rounds Co. 1898. Pp. xiii, 280.)

THE author's work in the sources of the history of Rhode Island entitles him to attention. He now brings forward an interesting, illustrated biography of a man hardly known outside his native locality. Bancroft does not mention him, while Arnold treats the incidents of his career in their historic bearing, justly but with meagre interest. The more famous brother Stephen played an important part in Congress and was the immediate cause of the appointment of Esek Hopkins to organize and lead our infant navy.

Ample material exists in the form of official orders, letters and other papers incidental to the unlucky life of the admiral. In the eighteenth century the life of the little colony was essentially maritime, taking into itself the engrossing flavors of the sea. Her leading men were foreign merchants on the land or captains on deck of the craft, which plied to the West Indies, to the ports of Europe, and later to the Orient seas. Descended from Thomas Hopkins, one of the founders of Providence Plantations, Esek became a sailor and manifested great force of character, whether in peaceful commerce, or in the erratic venturesome course of the privateer. Moses Brown noted in 1757 that Captain Hopkins had captured and sent in a snow "laden with wine, oil, Dry Goods, &c., to the amount of about" £6000. The four brothers Brown were rich and powerful merchants, and Hopkins commanded their vessels, as well as others. He sailed everywhere, and was reported at Surinam in 1769.

In the intervals of voyage, he was active in public affairs, though his restless nature would not let him stay long at home. He was upright and sincere, being honored as a school-committeeman, fireward, tax assessor and deputy, or representative as we should say. He was aggressive in speech and carried the abrupt manner of the time from the quarter-deck into private life. These tendencies increased with his years and helped to magnify the troubles of his later life.

Although such training would not fit or develop a commander of any navy in 1899, it was the best to be had then. When the matter of a fleet came before Congress, Rhode Island led the way. Her plan was adopted after much discussion and violent opposition. "Little Americans" were as active when our country was small, as they are now when it has become great. Chase of Maryland said in 1775, "it is the maddest idea in the world to think of building an American fleet, its latitude is wonderful, we should mortgage the whole continent." When we consider the

triumphs of the descendants of this fleet, Hull and Decatur, Farragut and Dewey, we may wonder at the small prescience, which often possesses statesmen.

Stephen Hopkins was placed on the Naval Committee, in conjunction with John Adams. They were the most influential members. Esek Hopkins was appointed commander-in-chief and organized the little squadron of eight vessels. The first expedition to New Providence was thoroughly successful. He then engaged the British in eastern Long Island Sound, and was at first commended. The frigate *Glasgow* escaped through no fault of the American officers, and the country condemned them without reason.

Unfortunately, Hopkins with his fleet was shut in Narragansett Bay, when the enemy occupied Newport. Sailors were so scarce he could not man his ships to get out. The merchants of Providence were engaged in privateering and Hopkins charged that they were too busy in getting recruits for their vessels away from the navy. He had a great faculty for making enemies. Though he was a brave man and true patriot he was at last deprived of his command.

Mr. Field has made a needed addition to the literature of the Revolution, and one worth the attention of students.

WM. B. WEEDEN.

*The American Passport, its History and a Digest of Laws, Rulings, and Regulations governing its Issuance by the Department of State.* [By GAILLARD HUNT.] (Washington: Government Printing Office. 1899. Pp. xi, 233.)

THIS valuable manual, a pioneer work, has been prepared by Mr. Gaillard Hunt, the accomplished Passport Clerk of the Department of State at Washington. It is neatly bound in cloth, and contains a table of contents, an index, marginal notes and a running caption. The paper and type are very attractive.

The ordinary passport, a document issued in this country by the Secretary of State, and abroad by our legations, is, in effect, a request to other governments to admit to their territories the bearer, a citizen of the United States, and to give him, in case of need, aid and protection. Though many countries do not now require the production of passports, others still exact them from travellers, and especially from sojourners. About twelve thousand of these documents are issued every year by the Secretary of State, not to mention the number of those procured abroad, and that officer considers it a wise precaution, if not a necessity, for all American travellers to carry them.

Part I. of Mr. Hunt's volume tells of the nature and several kinds of passports, their form and pictorial features, and by whom and upon what evidence issued.

A passport is obtained from the Department of State by one of our citizens upon filing a proper application—blank forms being supplied by

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the Department—subscribing the oath of allegiance, and paying a fee of one dollar. Its duration was fixed in 1873 at two years. It is now the rule, instead of granting a renewal of the passport at the end of that period, to require an application for a new one.

Part II., which contains a full and admirably arranged digest of the laws and decisions relating to the issuance of these documents, shows, among other things, how many perplexing questions arise concerning citizenship. Our courts hold many persons to be citizens to whom our executive officers cannot issue passports. Not to speak of those who, being neither white persons nor Africans, are occasionally admitted to citizenship in disregard of the statute, nor of those whose papers show that they were prematurely or irregularly naturalized, there are many whose applications for passports must be denied, because, though for some purposes citizens, they cannot be effectively protected by our government, or because they must be considered as having abandoned their citizenship for purposes of protection. A foreign woman who has married one of our citizens, but who has always continued to reside in the country of her birth, may have dower in her husband's property in this country, but she will not be entitled to an American passport, on account of the possible rival claim of the sovereign in whose jurisdiction she has remained.

We advocate the right of expatriation, but no law of ours defines what shall constitute a renunciation of nationality. Undoubtedly the Department of State would have raised every presumption in favor of the conservation of American citizenship, had native citizens alone been involved. But naturalization has been sought here by many to be used as a protection from obligations of citizenship in their own countries, to which they hasten to return as soon as they are made American citizens. Their conduct has made necessary the adoption of harsh rules of presumption concerning the abandonment of citizenship, which are applicable, with few exceptions, to all Americans residing abroad, whether native or naturalized. It may be asked: Why not distinguish between the two classes of citizens, as the English do, in issuing passports? Because an act of Congress expressly provides that all naturalized citizens, while in foreign countries, shall be entitled to and shall receive from this government the same protection which is accorded to native-born citizens. Practically the same form of passport is, in consequence, issued to both classes.

E. I. RENICK.

*Rhode Island and the Formation of the Union.* By FRANK GREENE BATES, Ph.D., Assistant Professor of History in Alfred University. [Columbia University Studies in Political Science, History and Public Law, Vol. X., No. 2.] (New York. 1898. Pp. 220.)

THE drift of each of the original states into the Union has a peculiar interest. What led to hope and confidence in one colony aroused fear

and distrust in another, while different sections in the same colony opposed each other on the question of federal organization. Keen as was the interest in many places at the time, its common height was reached when Rhode Island, last and least of the thirteen, stood apart from her sister colonies in solitary independence. Why was it? Would she remain so? What would be the result, both as to her and the Union? Such were the questions which stirred the country, and the study of her position during those two-and-a-half eventful years still claims attention. It has received close scrutiny in the volume before us. A son of Rhode Island, Professor Bates had the advantage of a knowledge of the people, which gave insight into their traditions and characteristics, and of an education outside of its borders, which led to an impartial search for the motives by which they were impelled. The result is a full, fair and plain statement of facts, drawn from all available sources, glossing nothing, but showing how rural towns were led long to oppose and finally to accept the necessity of a national government. Rhode Island was not, in this respect, greatly different from several of the states, but it was hampered by peculiar conditions, whose causes and effects are carefully explained.

Beginning with a sketch of the settlements and their development, Dr. Bates points out their distinguishing traits of independence and religious freedom as those which had a permanent influence upon the united colony. The special conditions at the adoption of the federal Constitution brought results like those in our own time, when financial troubles have divided agricultural and commercial sections. Thus the towns pulled apart and gave way to bitter strife. There was no established church, as in other colonies, to unite the people around a common centre, and hence political difference became the more intense.

While it is quite true that most of the paper-money party opposed the Constitution and that it formed the nucleus of the Anti-Federal party, it does not follow that the opposition was based upon an adherence to paper money, for, in all the colonies, even where economic heresies did not prevail, there was much distrust of the new Union, and in Rhode Island men differing on that question were found for and against the Constitution. The author gives undue prominence to that issue, then practically dead, by leaving an impression that it blinded the colony to its patriotic duty. There were other ample grounds for hesitation. In an untried scheme, the smallest colony might well be fearful for her independence, in so close a union with more powerful colonies. She demanded guaranties. Above all, it was feared that the principle of religious liberty, on which the colony was founded, might be overthrown. But after the assurance of the first and tenth amendments, removing all fear of an established religion and of usurpation by the central government of rights not granted by the states, Rhode Island speedily accepted the Constitution. Certainly it was not a lack of patriotism that delayed her. In acts of independence and resistance to British authority she had been in advance of all other colonies. All this is recognized by the author, but not so strongly relied on as it might be. He draws his con-



clusions from the signs of the times with rigid strictness. It is an interesting study and admirably unfolded. A copious and helpful bibliography is added.

JOHN H. STINESS.

*The Jacksonian Epoch.* By CHARLES H. PECK. (New York: Harper and Brothers. 1899. Pp. viii, 472.)

THIS is a plainly told and interesting account of our politics from Jackson's victory at New Orleans in 1815 to the Democratic defeat in 1840. The public history of that quarter-century in the United States has so often been told, both generally and in minute detail, and has been lighted up by so much biographical industry, that it would be difficult indeed for anyone to change the distinct and probably permanent picture of it which we already possess. Conscious, no doubt, of this difficulty, Mr. Peck has sought an original treatment of the period, as a Jackson-Clay "epoch," in a separation of the careers and rivalry of the two leaders and of the causes with which they were concerned from the continuity and generality of our history. He has, besides, hit upon the device of an account of public events which shall be more biographical than history and more historical than biography. But the difficulty with this is obvious, that the result must likewise be less historical than history and less biographical than biography. Although it escapes one limitation of each, it does not reach the complete and artistic result of either. In the general method necessary to the treatment of a political epoch, personal details quite suitable for biography, but irrelevant and uncharacteristic for history, have a forced and distracting effect. The reader finds it a wrench to be suddenly carried from disquisition or narrative of an epochal character to genealogical particulars about a political leader. The author's faculty for writing history includes so much clearness and fairness, that it is not, perhaps, ungracious to express the hope that he will hereafter give us an important work written under no obligation to a theory the seeming novelty of which must be open to suspicion in so old, so very old, a field. Let us have biography or let us have history, each remaining itself, though calling upon the other for appropriate and subordinate help.

Mr. Peck is broad in sympathy and liberal in judgment. He scrupulously sums up the material facts; and if his conclusions need correction, his reader is helped to make it. He sketches Jackson, Clay, Calhoun, Van Buren and Benton in lifelike fashion; and he generously judges them all. Such generosity is, no doubt, essential to truth when one deals with the career of a man crowded by the exigencies of public life, amidst which the precarious and threatening inconsistencies of effective public opinion although they cannot always be resisted, must nevertheless be skillfully avoided, if there is to be that practical result by which alone statesmen are judged even at the bar of impartial history.

It is difficult, however, to agree with the author's comparative estimate of Jackson and Clay which, no doubt, is the *pièce de résistance* of his



work. He follows much too closely for the robust truth of history the academic and conventional traditions which have come to us from the cultivated classes of a half-century ago. He declares Jackson's "eminence" to be that of a "chance instrument"; while he puts Clay in the category of men who, if they had lived in other days or amid other surroundings, would, in place of the notable things they did do, have done other notable things. This class he illustrates with Shakespeare, Newton, Burke, Franklin and Hamilton. Surely there have been "mute inglorious" Newtons and Burkes and Hamiltons as well as Miltons. If the author's account of Jackson be correct, as we believe it to be, it is difficult to assent to the conclusion that his case differs from that of Clay in the certainty of his obscurity had his time and environment been different. We are told that his personality was "potent," his natural temper "terrible and overpowering" and his spirit one of "fearless independence"; that, in spite of wretched education, he gained influential standing as a lawyer and the "lion's share" of civil business—and this within the very first years of his manhood; that, as a commander, he had "appalling energy and celerity" and a "truly high order of combative military genius"; that, although his tactics were remiss for some time before the British landed below New Orleans, he nevertheless, when the danger was at hand, "filled the torpid populace with enthusiastic vigor" and won his famous victory by "his genius for combat"; that in political life he made "men of sagacity and ability" his "chief counsellors" and that "for the most part the policy he was compelled (why 'compelled' of Jackson more than of other political leaders?) to pursue deserves greater credit than belongs to that of the opposition"; that "he was in all things entirely direct and . . . free from cant and pretension"; that "no one thought him venal and few thought he had any moral obliquity"; and that, during a long and conspicuous career, he induced "by his dreadful independence, directness and force . . . a large majority of the people to believe that he fully understood what he was about and was sufficiently right in his course."

This comes tolerably near to the picture of a great man, an Agamemnon of democracy—even if his faults were great or barbarous. The author's own account of the campaign against the Bank would give Jackson a foremost place as a politician if not as a statesman; and his judgment in that famous struggle is sustained by the general approval in our day of the divorce of government from banking. The author might well have inferred—even if the trait had not again and again been obvious—that underneath Jackson's reckless and impassioned bearing there dwelt astuteness, a true persistence which accomplished the results of patience, and a highly correct power of observation. That all of his faculties would, in every other age or environment, have remained in commonplace mediocrity does not seem probable.

The description of Clay is accurate, with his charm and eloquence in democratic advocacy and his delightful and sometimes exalted sentiment. The author on the other hand points out, and quite as clearly,

the absence, at least during the Jackson-Clay epoch, of the far-seeing and firm policy, and the adhesion to some sound principle, intellectual or moral, which belongs of right to every statesman of the first rank. We are shown Clay's faults in his treatment of critical matters. Mr. Peck declares the attack upon Jackson's Florida campaign to have been "the most calamitous and far-reaching of Clay's political mistakes." Clay's defeat of the re-charter of the U. S. Bank in 1811 was, he tells us, "a serious misfortune to the country," which Clay "soon regretted," himself becoming the chief advocate of the later attempt at re-charter. The rejection by Clay and his associates of Van Buren's nomination to the Court of St. James is condemned as "an electioneering episode" advantageous only to the men and causes Clay opposed. Clay and Webster are pronounced responsible for the defeat of the re-charter of the Bank and the woes it brought their own party by their refusal to permit modifications in the bill which were approved by the Bank and acceptable to Jackson; and this refusal is declared to have been a political manoeuvre for which, when it failed, there was no excuse. Whatever greatness is to be accorded Clay, it is clear, belongs not to his career and achievements in the rivalry with Jackson, but rather to his services as the "great pacificator." In the Missouri Compromise, and thirty years later in the Compromise of 1850, "the leading principle of his statesmanship" was "to solve the present and urgent problem in a way to preserve and expand our nationality on the existing basis." What measure of greatness belongs to those services, upon which must rest his best permanent fame, is, however, a question hardly within the limits of the Jackson-Clay epoch.

In these days of busy men and many books, the absence of an index is just ground of complaint at least against the publisher of this work.

EDWARD M. SHEPARD.

*The Life of Henry A. Wise of Virginia, 1806-1876.* By his Grandson, the late BARTON H. WISE. (New York: The Macmillan Co. 1899. Pp. xiii, 434.)

THE life of Henry A. Wise is an admirable piece of work. It is done with affection, sympathetically, yet it is thoroughly judicial. The author, like his subject, loved their mother state Virginia, yet he speaks of her without provincialism.

Henry A. Wise was by long descent a Virginian—he was, as he put it, *intus et in cute* a Virginian. He went to Washington College in Pennsylvania, but studied law with Judge Henry St. George Tucker, at Winchester. He practised law at Nashville, Tennessee, but soon returned to settle down where he was born, on the so-called Eastern Shore of Virginia. In 1833, at the age of twenty-seven, he was elected to Congress from a district which included a number of old counties on both sides of the Chesapeake, and sat continuously for eleven years. He then resigned, to be sent as minister to Brazil. Then for ten years he practised law. Of the Virginia convention of 1850, which reformed the state constitu-

tion, he was a leading member. Nominated for governor by the Democrats, to oppose the Know-Nothing party in 1855, he made a remarkable canvass of the state, travelling three thousand miles and using up over four months, and was elected by a substantial plurality. During his term of office occurred John Brown's raid at Harper's Ferry and his execution. In the state convention of 1861 which decided the attitude of Virginia to the federal government, in the issue of civil strife, he was a member of the committee on federal relations. On the breaking out of civil war, he entered the Confederate service as a brigadier-general. The last years of his life, ending in 1876 at three-score and ten, were spent in the practice of law at Richmond.

Thus this readable biography of Governor Wise is very largely an index to the history of Virginia during the very important period when a long struggle in the state was ended by the adoption of a modernized constitution, when the greater struggle between state sovereignty and the powers of the federal government came to an issue, and Virginia had to decide her place. The old aristocratic features of state and local government in Virginia had largely been done away after the Revolution, but the growth in population of the central and western portions of the state, from the fertile Piedmont to the Ohio, soon brought about the condition when, with representation in the legislature by counties, the old and small tide-water counties could entirely outvote the greater population west of them. The interests of East and West appeared to differ. The West wished internal improvements and the East was loath to shoulder its burden of expense for them. Slave labor belonged almost exclusively to the East. In the state convention of 1829 only one man from the tide-water region favored a change to representation based on white manhood suffrage alone, and the bitter struggle between the sections of the state ended in a compromise which merely put off the final settlement. Mr. Wise began his political life under the influence of Andrew Jackson and his party, and remained always a Democrat in his belief in the people. He pleaded consistently and earnestly for Virginia to arouse with the spirit of the age and recognize that the real interests of all her people were the same. In an address to his constituents in resigning from Congress he had urged an increase in taxation to promote public schools. When another constitutional convention was finally secured in 1850 he announced himself as a candidate for election, from the Eastern-Shore counties, on a clear-cut platform, and was elected, though the fact that the other delegate was a "mixed-basis man" shows that Wise's success was largely due to his popularity among his people. In the convention he became a leader, single-handed from the extreme East, of the western party, in favor, as he said, of free and universal education, suffrage and representation. While his party did not secure all it wished, it practically won the victory.

Touching relations of a state to the federal Union, the people of Virginia, however their distinctive school of politicians had taught extreme state's rights, were overwhelmingly opposed to secession. But they were

a unit in denouncing abolitionism and in demanding the protection of property, in slaves as in any other form of it, everywhere. Mr. Wise wrote in 1855, "I shall urge the preparation of the state for events which are casting their substance, more than their shadows, before them." Yet he hoped that war might be averted by some joint action of the Southern states, and the next year, as governor, tried in vain to bring about a conference of all their executives (except those of Kentucky and Missouri, who were not Democrats) to consult upon "the state of the country, upon the best means of preserving its peace, and especially protecting the honor and interest of the slave-holding states." The Virginia convention of 1861 brought together the leading men of the state. Mr. Wise's notion was, if resort was had to arms, that Virginia and other states in sympathy with her, keeping the Stars and Stripes, should fight as defenders of the Constitution against the usurpations of the Federal Government. Revolution, not secession, was the remedy he wished, if extreme remedies were necessary; but he became tired of the conservatism of the majority of the convention and voted with the minority for Virginia to "resume her delegated powers." On Mr. Lincoln's call for troops, old Whigs in tears joined the minority, and the convention was a unit save for a few men, who could be counted on one's fingers, from the extreme West. The words which Mr. Wise had spoken in Congress, twenty years before, of nullification in 1832, then became true of Virginia east of the mountains: "That if war had begun, every Union man of Virginia would have been a Southern man. No standing army would ever have crossed her lines to do battle against a sovereign state, without first fighting her sons of every faith at every pass where volunteers could have made a stand."

However we may be perplexed by various expressions about sovereignty which Wise used, although we may believe his views of African colonization to have been puerile, and despite the charges of inconsistency in politics brought against him, all must admire his frequent brilliancy, his independence, his untiring energy. He began a Jackson Democrat, yet he would not follow his magnetic leader and friend everywhere; he worked hard for Buchanan's election yet he repudiated the Lecompton constitution of Kansas because it did not represent the will of the people of Kansas; he bestirred the Virginia militia after John Brown's raid, but his letter on a proposed scheme of settling Northern whites in Virginia was calm and sensible; an extreme Southern man for protection of slave property under the Constitution as interpreted by the Supreme Court, he worked hard when minister to Brazil for the enforcement of laws against the slave trade—he would not see the Stars and Stripes chartered or sold for the uses, to quote his words, of an infamous trade. "I never," he once said, "was afraid to differ with my constituents or to tell them I differed." General Lee, when about to surrender, gave to Wise, then a major-general and remembered by Northerners as the man who had hung John Brown, an opportunity to leave Virginia, but Wise preferred to surrender, to stay with his people and

to help to build up his fallen state. His letters and addresses after the war were marked by the same spirit. "I would not enslave the colored people again if I could," he said; "I am more than convinced now that slavery is so great a national weakness if not wickedness that it should never be tolerated by any people who would themselves be free." So he came to feel that the war, inevitable, had been providential. As he worked hard, an old man, for his daily bread, so he urged young Virginians to be high-minded and generous, as their fathers had been, but to be just before being generous and to rejoice in the necessity of toil. He had been left an orphan at the age of six and spoke of himself as a self-willed boy. Through life he was impulsive. Noticeable for his abstinence from liquor, at a time when drinking was common, he was yet intemperate in the use of tobacco. His chief faults, to the world, were his lack of balance, his intemperance of speech.

In reading this life of Wise and its touches of Virginia history, our horizon of thought constantly widens; and we feel afresh that without the careful study of local conditions, the history of a nation cannot be written justly.

JEFFREY R. BRACKETT.

*General Sherman.* By GENERAL MANNING F. FORCE. [The Great Commanders Series, edited by James Grant Wilson.] (New York: D. Appleton and Co. 1899. Pp. ix, 353.)

GENERAL FORCE was one of the best selections that could have been made from the leading officers of the Army of the Tennessee to write the history of General Sherman. An excellent officer, a close student of the war, a clear and fair writer and an intimate friend, he was well equipped for obtaining the needed material and using it with effect. It is a matter for serious regret that ill health compelled him to commit the writing of the important chapters upon the Atlanta Campaign, the Development of the March to the Sea, and the Post-Bellum Period to Gen. J. D. Cox, since the latter has in these chapters repeated certain material errors to which he has heretofore committed himself in his writings.

The period of General Sherman's life before the war is necessarily presented by General Force in compact form, but it is the most successful effort of the kind yet made. The same may properly be claimed for the chapter on the beginning of the war. In this Sherman's brilliant conduct at Bull Run is brought out in new light, a single sentence telling the story, that of the entire Union loss of "481 killed and 1111 wounded, Sherman's brigade lost 111 killed and 205 wounded."

The chapter on the battle of Shiloh is the most thorough study of that engagement yet printed. The author admits that "General Johnston marched his army out of Corinth, and on Saturday deliberately put it into camp, arranged in lines of attack, within a few miles of the National picket lines without any one in the National camp having a suspicion of that fact, though there were some who were satisfied there was a large force in front." The case is summed up in this quotation

from General Rawlins: "We did not expect to be attacked in force that morning, and were surprised that we were, but we had sufficient notice before the shock came, to be under arms and ready to meet it." Those who have heretofore contended that the enemy ran over the Union camps while men were still asleep in their tents or at breakfast, will be surprised at the strength of the evidence which the author brings from the records to show "that no camp was entered before nine o'clock, and, excepting Prentiss's, none was entered before ten o'clock; and, further, that no camp was entered before a serious engagement in which the assailants suffered repulse before prevailing." The map of the battlefield does not agree in important locations of troops, either with the map adopted by Grant, or the one filed by Sherman with his official report. It does not clearly bring out the fact that in the occupation of Pittsburgh Landing the troops were camped with little regard to either main or supporting lines of battle. The other maps of the volume are sufficient for the full explanation of the text.

The story of the operations upon the Mississippi about Memphis and Vicksburg is clearly told, and Sherman's part effectively presented. Being Grant's greatest strategic campaign, the subject well deserves a volume. It is treated, however, by Gen. Force as well as the space at his command would permit.

The narrative of movements in the three days' battles about Chattanooga is alive with interest. It perpetuates, however, several very material errors which have been often corrected by the official record. A reader would suppose that Gen. Sherman successfully executed his orders to carry the north end of Missionary Ridge to the railroad tunnel—this being the key-movement of Grant's plan of battle. On the contrary, through a failure to make reconnoissance, he occupied instead a detached range of hills without opposition. The next day, the enemy having in the meantime occupied the ground in force, he was unable to carry the desired point, though fighting desperately to attain it. The ancient assertion is repeated that the enemy's centre, fronting the Army of the Cumberland, was depleted to strengthen the combination against Sherman, while as a matter of fact, not a soldier or a gun went from that centre towards Sherman during the battle. This misconception arose from the movements of the troops which had occupied Lookout Mountain the day before, being transferred during the forenoon to Bragg's extreme right near Sherman. The credit of planning the Brown's Ferry operation for opening the line of supplies is given to Gen. W. F. (Baldy) Smith, when the official records show conclusively that the plan was formed by Gen. Rosecrans, before Gen. Smith reached the western army. To the latter officer belongs the credit of arranging the details, and brilliantly executing the movement when it was committed to his hands.

Gen. Cox, in scholarly form, sets forth the multitudinous movements of the Atlanta campaign in clear outline. But he obscures Gen. Sherman's failure to promptly turn Johnston's position at Dalton, by a movement in force to the rear of it by way of Snake Creek Gap, which was



early discovered to be unoccupied, and through which Gen. Thomas urged that he might throw his army. Gen. Cox also defends the assault on Kennesaw Mountain at considerable length. This, beyond question, was a grave blot on the long campaign to Atlanta. On this point, in opposition to Gen. Cox's view, it is sufficient to say that Gen. Thomas, Gen. McPherson, and Gen. Schofield, the three commanders of Sherman's armies, strongly condemned the assault as needless, as did also most of the corps commanders.

In treating of the Development of the March to the Sea General Cox ignores the fact, now fully made known by the discovery and printing in the War Records *Atlas* of General Grant's map sent to General Sherman before the Atlanta campaign began, which map demonstrates that General Grant originated a march to the sea to follow the capture of Atlanta. It is true that Sherman's plan differed from Grant's in that the latter contemplated the preliminary defeat of Hood's army.

General Force gives an excellent account of the March to the Sea, and the subsequent wonderful campaign through the Carolinas, but touches very lightly upon the wholly unnecessary escape of Hardee with his ten thousand from Savannah, which caused such sore dissatisfaction at Washington. Again, the reader does not receive any impression of the fact that Sherman's army was in great peril of being defeated in detail in its closing battle at Bentonville. The chapter by General Force on the Sherman terms for Johnston's surrender is the best account in condensed form yet published. It fails, however, to take note of the fact that those terms, in nearly all their essentials, were drafted by John H. Reagan, the Confederate Postmaster-General. His original draft of these terms has been in the possession of the War Department since the close of the war.

It is the final chapter by General Cox, entitled Post-Bellum, which will cause the student of the war to most sharply regret that General Force had not been able to write the entire volume. While it might not have been more readable, it would have been free from insidious efforts to sustain previous unfair estimates of General Thomas by private letters which will not stand the test of the official records. It is unfortunate that a volume so entertaining, and excellent in the main, and especially that so interesting and valuable a closing chapter should be marred by such errors as have been pointed out in this brief review, and which a competent editing with the open official record at hand would so easily have avoided.

*Thaddeus Stevens.* BY SAMUEL W. MCCALL. [American Statesmen.] (Boston and New York: Houghton, Mifflin and Co. 1899. Pp. vi, 369.)

If there is ground for supposing that the editor of the "American Statesmen" series had to cope with certain doubts and questionings before including Stevens in the list of subjects, it is beyond all controversy that the result has vindicated the wisdom of his decision. Mr. McCall has produced as judicious and useful a volume as any in the series.



This success has been achieved through a somewhat unusual conception of a biography. The first sixty-eight years of Stevens's life are but scantily treated, while the last eight—1860–1868—are made to bring him within the category of statesmen. In the long prelude to this final period Stevens appears as an able and successful lawyer, a shrewd but less successful business man, and a politician of little reputation save for partisan bitterness. Through anti-masonry, anti-Jacksonism and anti-slavery, he passed ultimately into the Republican party, and in the accession of that party to power found the opportunity for the display of his peculiar endowments on a national scale. Prior to this time he had served some years in the legislature of Pennsylvania, and three terms in Congress. Except in connection with the promotion of free schools in his state, he had been identified with no great project of public policy, and in Congress he had exhibited his ability only as the most violent of the anti-slavery extremists.

Upon the organization of the Thirty-Seventh Congress, in July, 1861, Stevens was made chairman of the committee on ways and means and thus became leader of the majority in the House of Representatives. This leadership he retained throughout the Civil War and the decisive phases of the reconstruction. As to his qualifications for the task of driving through under whip and spur the constructive legislation required by the crisis of our national life, the records leave no room for doubt. His contempt for discussion when the emergency required action was no less conspicuous and no less effective than that of the recently retired Speaker of the House. As a parliamentary leader Stevens established his reputation on an unassailable foundation. But statesmanship stands on rather a different basis. Devising policies calls for a different order of intellect from that displayed in passing bills. Mr. McCall's discussion tends often to obscure the distinction between Stevens and the committees of which he was chairman, and to ascribe to him the credit (or discredit) for all the measures that he reported. It appears clearly enough, however, that Stevens was personally a strong advocate of the legal-tender laws; that he pressed for measures of confiscation far surpassing in severity those actually adopted, and that he regarded as hopelessly ineffective the policy of emancipation which was put in operation by the President. Whether his judgment on these points was that of sound statesmanship, may well be doubted, though Mr. McCall makes a very striking presentation of the considerations that might justify the ideas of Stevens, particularly on the monetary question.

It was in connection with reconstruction that Stevens's view of what should be the government's policy had the most remarkable history. From the outbreak of the war he consistently maintained that the acts of secession terminated the constitutional existence of the states that passed them, and on this idea he reared his theory that with the triumph of the national arms the status of the conquered regions would be merely that of subject provinces. Mr. McCall traces very fairly the development of this theory, from the time when its enunciation was received with general

horror, to what he calls its "complete triumph" in the Reconstruction Acts of 1867. Though the career of the Stevens doctrine was very remarkable, its ultimate triumph was in reality something less than complete. This evidence lies in the fact, which the author cannot understand (p. 290), that Stevens strenuously opposed the insertion of the so-called "Blaine Amendment" in the act of March 2, 1867. Stevens perceived that this amendment detracted from the simple and unqualified assertion of military authority by the government, and recognized a right of the Southerners to ultimate representation in Congress. His theory denied absolutely any such right, for conquered enemies have no constitutional rights. The act as passed embodied rather more distinctly the Sumner than the Stevens shade of theory; but of the existence of the state-suicide theory Mr. McCall gives no intimation.

In keeping with the general character of the series, this volume embodies a general view of the political history of the time covered by the greatest activity of the subject. This part of the work is eminently satisfactory. The temper of the author is admirable, his information is adequate, and his judgments are sound. A statement here and there may appear a little misleading. On page 101 the repeal of the Missouri Compromise is attributed to "the aggressive slavery party"—the more conspicuous agency of Douglas being ignored. On page 110 it is said: "But scarcely had the compromise of 1850 become operative when the friends of slavery secured its repeal." This is unintelligible. On page 148 the Crittenden resolution of 1861 is represented by implication as having been formally enacted; this is not precisely the case, as the House form and the Senate form differed slightly from each other.

WM. A. DUNNING.

An accident not to have been foreseen has deprived us of the pleasure of inserting in the present number a review, by a most competent expert in matters of education, of the report which the Committee of Seven has presented to the American Historical Association, and which has been printed in a small and inexpensive volume entitled *The Study of History in Schools* (Macmillan, pp. ix, 267). The formal review is, we hope, only delayed. Yet the book is so important and so interesting to teachers, and so much deserves their attention at the beginning of the scholastic year, that we do not think it advisable to permit our October number to appear without at least a statement of the nature of the book, and of what the teacher may expect to find between its tasteful covers. The committee was appointed in December, 1896, to consider the subject of history in the secondary schools and to draw up a scheme of college entrance requirements in history. The members were Professor A. C. McLaughlin of the University of Michigan, chairman; Professor H. B. Adams of the Johns Hopkins University, Mr. George L. Fox of the Hopkins Grammar School, Professor A. B. Hart of Harvard University, Professor C. H. Haskins of the University of Wisconsin, Miss Lucy M. Salmon, professor in Vassar College, and Professor H. M. Stephens of

Cornell University. An especially noteworthy feature of their work is the pains which they took, as an indispensable preliminary, to inform themselves thoroughly, by means of circulars of inquiry, correspondence, conversations and travel, concerning the actual facts of school work in history in all parts of this country and in foreign lands. Those teachers who may expect from a committee so largely consisting of college professors a pronouncement *ex cathedra* and a rigid scheme inapplicable in varying conditions may be reassured; they will find nothing of the sort in the book. "We have sought chiefly to discuss, in an argumentative way, the general subject submitted for consideration, to offer suggestions as to methods of historical teaching and as to the place of history on the school programme, being fully aware that, when all is said and done, only so much will be adopted as appeals to the sense and judgment of the secondary teachers and superintendents; and that any rigid list of requirements, or any body of peremptory demands, however judiciously framed, not only would, but should, be disregarded in schools whose local conditions make it unwise to accept them."

The report proper is divided into chapters relating to the value of historical study and its relation to other studies, the suggestion of four blocks or periods of history to be recommended for use in schools, the mode of treatment for each, methods of instruction, and requirements for entrance to college. The first appendix (pp. 137-157) describes, upon the basis afforded by the committee's investigation, the present condition of history in American secondary schools; the second (pp. 158-172) deals with the study of history in schools of lower grade. In Appendix III. Miss Salmon presents a most thorough and valuable account of the teaching of history in the German gymnasia. Accounts of history in the French *lycées* (by Mr. Haskins), in the English secondary schools (by Mr. Fox) and in those of Canada follow (pp. 199-238). The final appendixes give excellent lists, with comments, of books and articles on the teaching and study of history, and of maps and atlases useful to teachers of history. Without expressing a judgment on the recommendations made by the committee, a matter which it is proper that we should leave to our reviewer, we may affirm without hesitation that a book so carefully prepared, upon a subject so important, deserves the most extensive circulation. More than two hundred thousand young people are studying history in American secondary schools; in our opinion, the American Historical Association never did a more useful thing than when it set on foot a systematic inquiry into the questions, how they are and might best be taught.

On November 20, 1898, a large number of teachers and students of history in Belgium joined in celebrating the twenty-fifth anniversary of the foundation of the first historical seminary ever installed in any Belgian university, and in doing honor to the distinguished Professor Godefroid Kurth of Liège, to whom the innovation was due. In commemoration of the occasion, the committee who had charge of the celebration have

printed in handsome form, with a portrait of the professor, a volume of 224 pages, *À Godefroid Kurth, Professeur à l'Université de Liège, à l'Occasion du XXV<sup>m</sup> Anniversaire de la Fondation de son Cours Pratique d'Histoire*, prepared by Professor Paul Fredericq of Ghent, formerly of Liège, as editor. The addresses delivered on November 20 are printed, and testify to the great respect in which M. Kurth is held. But the most interesting part of the volume is the portion (nearly two-thirds of the whole) in which the editor, with the aid of communications from the various conductors, describes the progress of the seminary method in Belgium, and narrates the development of each professor's practical courses. The four Belgian universities, at Liège, Ghent, Brussels and Louvain, have an unusual number of historical professors, and nearly all pursue this method, imported from Germany by M. Kurth in 1874. The American professor will find much to interest him, and many profitable suggestions, in these detailed descriptions of the various, and often quite individual, modes in which this pedagogical device is administered by their Belgian colleagues. Perhaps the interest will be the greater because the institution is, in Belgium, not richly endowed nor exhibited in its German perfection, but labors under some of the same disadvantages as in this country, bears the marks of recent origin, and is under the same necessity of making its way which is felt by those who in America endeavor to employ it.

*Die Reste der Germanen am Schwarzen Meere.* Eine ethnologische Untersuchung von Dr. Richard Loewe. (Halle, Max Niemeyer, 1896, pp. 257.)—After the treatises of Bruun, Kunik, Tomaschek, and Braun on the Goths in the Crimea, we have at last, in Dr. Loewe's book, a comprehensive account of *all* branches of the Goths and Herulians who migrated to the Black Sea and thence made incursions into Asia. The author begins with the Teutons of Asia Minor: the *Γοτθογαῖτοι* in Phrygia, who were probably Herulians (the Greeks calling all the Teutons of the Black Sea indiscriminately *Γότθοι*); the *Δαγοιθνοί* in Mysia, whose name he supposes to be a folk-etymological contamination of *Δάγουτα* and *Γότθοι*; and the Teutons of Galatia and Armenia, whom Peucer mentions. Proceeding to the Causasus, he discusses the single extant reference to the Eudusians, and takes up next the history of the Tetraxitic Goths in the Taman peninsula, who, according to him, were in reality Herulians. He defends effectively the hitherto discredited report of Mondorf, according to which the Tetraxitic (and Crimean) Gothic was spoken as late as the middle of the eighteenth century. As to the Goths of the Caspian Sea, he rightly holds that Friedrich Schlegel, who alone mentions them, must have misunderstood his source (probably Rubruk). Turning to the Goths of the Crimea, he traces their history from its beginnings to the absorption of the race by the Tartars at the close of the last century, and endeavors to prove by historical and linguistic evidence that they too were not Goths, but Herulians, with a West-Germanic dialect modified by long-continued contact with Gothic.

After discussing the physical characteristics and the manners and customs of the inhabitants, past and present, of Crimean "Gothia," Loewe treats in a final chapter of the *Gothi minores* in Moesia, arriving at the conclusion that they probably gave up their language and lost their identity in the course of the tenth century.

Loewe independently examines the material collected by his predecessors, showing much of it in an entirely new light, and augments it by important discoveries of his own: passages in the Silesian *Annals* of Cureus, in the Magdeburg *Annals* of Torquatus, in Peringskiöld's edition of Cochlaeus's *Vita Theodorici*, etc. His book bespeaks thorough historical and philological scholarship and remarkable acumen; though it deals largely with mere possibilities, it rarely fails to be plausible, if not convincing. With its larger scope and its more exhaustive treatment it easily supersedes the previous works referred to.

HUGO K. SCHILLING.

The first *fasciculus* of Tom. XVIII. of the *Analecta Bollandiana* contains remarks on the author and the source of the Passion of Saints Gorgonius and Dorotheus, and on the life of St. Firmanus by Dietrich of Amorbach, and a considerable installment of the catalogue of the Greek hagiographical manuscripts of the Vatican. But that which most distinguishes this number, and also the second *fasciculus* (which is mainly devoted to it), is what they give us respecting the treatise on the miracles of St. Francis of Assisi written by Thomas a Celano. That beside his two lives of the saint he wrote also this tract on his miracles has long been known. But so important was it deemed in 1266, in view of the discords which had torn the Franciscan order, that the conciliatory narratives of St. Bonaventure should supersede all others, that at the general chapter held at Paris in that year it was ordained that the previous accounts should be destroyed. So rigidly was this carried out that all hope of recovering the treatise in question seemed futile. But at the sale of the library of the late Prince Baldassarre Boncompagni, in January 1898, Father Louis Antoine de Porrentruy, definitor-general of the Capuchins, acquired for the Franciscan museum of Marseilles a manuscript *Memorialis Gestorum et Virtutum Sancti Francisci* which, examined by the Bollandist writer, proved to contain the lost treatise of Thomas a Celano. His account of the matter and his critical introduction are printed in the former of the two numbers before us, while the latter contains the text of the treatise, which, it is needless to say, is a document of much importance for early Franciscan history.

*Selections from the Sources of English History*, B. C. 55 to A. D. 1832, arranged and edited by Charles W. Colby, Ph.D., Professor of History in McGill University (Longmans, pp. xxxvi, 325). Professor Colby's excellent little book contains 117 selections, which, when the original is not English, are presented in English translations. They are remarkably well chosen, and illustrate English history in varied ways. Some of

them set forth important or striking events: the coming of St. Augustine, the murder of Becket, the battle of Crecy, the voyage of Cabot or of the *Mayflower*, the massacre of Glencoe. A larger number illustrate more generally the characteristics of political and social life in each age. Taking the fifteenth century, for a sample of the book, we have the record, from Riley's Memorials of London, of the case of one who tried to escape from serving as alderman; a portion of the trial of Joan of Arc, from Quicherat; a proclamation of Richard, Duke of York, in 1452; several of the Paston letters, relating to the bargain for marriage between John Paston and Margery Brews; More's narrative of the murder of the princes in the Tower; the remarks of John of Trevisa and of Caxton respecting diversities of English speech; a description of the English and of English society out of one of the Venetian relations; and Soncino's account of John Cabot's first voyage. Narratives and descriptive pieces are used, as a rule, rather than documents; and as a whole the collection is an unusually interesting and even entertaining one. Unfailingly, every reviewer of a book of selections has his pieces that ought, by all means, to have gone in or out. While admitting that no two people would agree upon a list, the present reviewer would suggest that the imaginary speech of Galgacus in the *Agricola* can hardly be said to illustrate English history; that almost the same may be said of Alcuin's letter to Charlemagne here printed; that the chronicler's description of Domesday might well have been accompanied by a brief extract from the book; that the literary life of England under Elizabeth might have been better illustrated than by the bits from *Euphues*; that it is a pity to use General Townshend's letter for the capture of Quebec, or Warren Hastings's dry minute (pp. 265-268) rather than some extracts from the speeches at his trial; and that the last five pieces, for the years 1815 to 1832, are, with the exception of Macaulay's letter, inadequate to represent its most important characteristics. But the complexity of modern life is such that all such books seem least satisfactory in their later parts. The translations of passages with which we are familiar are good; but it is a pity to give boys Froissart in Johnes's Johnsonese, when they might have Lord Berners.

The book is prefaced by a long introduction on the use of original sources, and each piece by an explanatory paragraph. All these are well executed, and the introduction in particular is written in a sprightly and entertaining style. But the book has for its sub-title "A Supplement to Text-Books of English History," and we question whether this fluid essay and a good many of the explanatory paragraphs are not beyond the "sixth-form boy" at whom the author largely aims. Does not that young person need to have things set forth with more rigid method? But his teacher will read the introduction with enjoyment. It is true that Mr. Colby aims also at the general reader; but the general reader will probably continue to read things more general, preferring his Green or his Froude to collections of original pieces. As for the college student, at least the more advanced of such, we think he will be more benefitted by



books which, like those in Professor York Powell's series, present him with a body of extracts relating to a single episode, and therefore much more nearly approaching completeness; these not only interest him, but enable him to form judgments from first-hand materials.

*Essai de Restitution des plus anciens Mémoires de la Chambre des Comptes de Paris.* Par MM. Joseph Petit, Archiviste aux Archives Nationales, Gavrilovitch, Maury, et Teodoru, avec une Préface de Ch.-V. Langlois. [Université de Paris, Bibliothèque de la Faculté des Lettres, VII.] (Paris, Alcan, 1899, pp. xxii, 253.) It is well known that in the thirteenth and fourteenth centuries, in order to facilitate business in the midst of the rapid accumulation of documents incident to the development of administrative departments in European government, it was a common practice for officials to compile, from the records of their offices, various books of precedents and memorabilia for ready reference. These rather miscellaneous collections, of which the Red Book of the English Exchequer is a fair example, have no special importance where the original records have been preserved, but where, as is usually the case, the originals have disappeared, they are of the highest historical value. In the case of the French Chambre des Comptes, unfortunately, these early compilations and the series of official registers which began in 1320 were destroyed by fire in 1737, and the difficult task of reconstructing them from old inventories, scattered originals, and fragments copied by antiquaries, has only recently been seriously attempted. Three years ago, M. Langlois set the members of his seminary upon the problem of restoring the first six of these Memorials, and the results of their labors have just been published. After a preface by M. Langlois and an introduction by M. Petit, the body of the monograph is almost equally divided between a calendar of the Memorials and a publication of documents of special interest. The materials cover with more or less fullness the period from the early thirteenth century to 1333, and consist of royal ordinances, lists of tithes, vassals, and feudal dues, papal bulls, extracts from accounts, tables of weights and measures, etc. The work of collection, identification, and arrangement demanded much ingenuity and critical skill, as well as extensive research; and the volume is an interesting illustration of the excellent quality of the seminary work now done at Paris.

C. H. HASKINS.

The Navy Records Society has entered upon an important, though quite special, undertaking by publishing the first volume (pp. 431) of a collection of *Letters and Papers Relating to the First Dutch War, 1652-54*, edited by Dr. Samuel Rawson Gardiner, who thus gets an opportunity to present to the public the original evidences for certain chapters of the last published volume of his *History of the Commonwealth and Protectorate*. The documents thus far printed illustrate with remarkable completeness the portions of the contest to which they relate, and, as might have been expected from Dr. Gardiner, present the events as viewed from both sides of the Narrow Seas. They



are derived from the Public Record Office, the Dutch transcripts at the British Museum, the archives at the Hague, the Duke of Portland's papers, the Tanner papers at the Bodleian, etc. A certain number are reprinted from the *Commons Journals*, Aitzema, De Jonge, the *Hollandsche Mercurius*, or rare newspapers or pamphlets at the Museum. The Dutch texts are translated. The annotations, but for occasional modest disclaimers, would not be known to be those of a landsman.

The number of volumes to be printed is not at present announced. The first volume contains four main divisions, with an aggregate of 250 pieces. First come certain reminiscences of Richard Gibson, not, we should think, of as great importance as much of what follows, and not written down till 1702. Parts II., III. and IV. are entitled respectively The Approach of War, The Honour of the Flag (documents relating to the encounter between Blake and Tromp off Dover on May  $\frac{19}{8}$ , 1652), and The Northern Voyage (toward Shetland, by Blake and Tromp, in July). In each division the documents are arranged chronologically, though the divisions have been made to overlap a little in dates, in order to give more unity to the group bearing on each episode. To each division Dr. Gardiner has prefixed introductory remarks; to Part II., for instance, a fair statement of the causes of the war and a lucid description of the naval organization of the two powers. The introduction to the third part discusses the disputed questions as to how and by whose fault the fight off Dover began; an ingenious and probably successful attempt is made to reconcile the conflicting statements. In the other introduction the most interesting matter is a discussion caused partly by the theory which Mr. Corbett advanced in his *Drake and the Tudor Navy*, but in which other experts have been slow to agree, that Drake in one of the earlier fights with the Armada made use of the close-hauled line-ahead, the formation afterward so famous in British naval combats. Dr. Gardiner seems to show that no evidence that this tactical device existed in the repertory of Blake in 1652 can be found in the papers which have come under his notice. Of all the documents perhaps the most interesting is the last, a rescript in which Tromp goes over the whole ground of his conduct of the campaign from beginning to end, and presents to the States General his defence for each important decision taken.

Though the Royal Historical Society has absorbed the Camden Society, it continues for the present to issue some of its books, (presumably those which had been planned by the older society before the union), in the old familiar Camden Society form. In that shape appears the volume (Longmans, pp. 174) entitled *A Narrative of the Changes in the Ministry, 1765-1767*, edited for the Royal Historical Society by Miss Mary Bateson. It is made up of a series of letters written by the old Duke of Newcastle to his friend John White, M.P. for East Retford. But the letters are not purely casual; the duke appears to have had a definite intention of composing a continuous narrative. It is a narrative of small

politics. Great interests are at stake, among them the fate of a colonial empire; and here are a king and a large group of noblemen and ministers absorbed, like so many small local politicians, in petty intrigues about the possession of great offices and the distribution of little ones. There is a larger aspect of these movements, of course; but it is not in a narrative written by Newcastle that one would look for it. He makes it all seem pettier even than it was, and reveals his own narrowness and incompetence at every page. Yet upon the events with which he deals—the efforts of the King to get rid of Bedford and Grenville, the final organization of the Rockingham ministry, the exclusion of Newcastle from influence therein, the decisive opposition of Chatham to him, the formation of the ministry of Chatham and Grafton—upon all these things this eager busybody and experienced wire-puller has things to tell us which supplement with many interesting details the more important narratives of Cumberland, Bedford, Grenville, Yorke and Grafton.

Those who are acquainted with Mr. Justin McCarthy's admirable *History of Our Own Times* will expect a similar method, the same qualities of style, in his newer work, *The Story of the People of England in the Nineteenth Century*, ["The Story of the Nations"]. (New York, Putnam's, two volumes, Part I., 1800-1835, pp. ix, 280). In this they will not be disappointed, though the smaller scale of the present work does not admit of equally ample treatment.

The nineteenth century as treated of in this work must be understood as beginning strictly with the end of the Napoleonic wars. The real story of Part I. is that of the first great reforms, and the first three chapters, "Arms and the Man," "England's Benevolent Despot," "In the Wake of the Peace," are mainly introductory. One must not expect to find even the ampler part a connected history of the time; it is rather a series of descriptions of the important movements and episodes. Indeed, the author declares it his purpose rather to draw something like pictures than to give a chronicle and a record—"to make the story of each great reform, political or social, a story complete in itself." Accordingly, statesmen and events are grouped with reference to their relation to important movements, or it may be the man, as for example Canning, is the core and centre of the narrative.

On the other hand one finds here many things that are not usually found in the histories. The author believes that "the true history of England during that long period of marvellous growth will be found to be the country's progress in education, in science, and in the conditions that tend to make life useful, healthful and happy." Not all of this implied promise has been redeemed in the first volume.

Few British writers on English history have been able to divorce themselves so completely from the strictly English point of view as Mr. McCarthy has done and yet lose nothing of that power that comes from a sympathetic knowledge of all that goes to make up the history and the life of the English people, their prejudices as well as their virtues. He

has his sympathies, indeed, (with the reformers always) but the other side is given a fair hearing.

Mr. McCarthy has the instincts of a dramatist. The book abounds in incident and story. Perhaps there has been sometimes a sacrifice of the essential, the vital, for the effervescent, the merely interesting. All this, however, seems excellently to light the pathway of history if only the reader possesses that knowledge of the outline of events which the author really takes for granted. Taken as supplementary reading the book has great historical value. There are thirty excellent illustrations, chiefly portraits—some, indeed, of persons of whom no word is spoken in the book.

A typographical error on page 207 gives the date of the battle of Waterloo as June 15th.

E. C. B.

*J. Chamberlain*, by Achille Viallate. (Paris, Félix Alcan, pp. 150.) M. Viallate's chief object in this sketch seems to be to bring out the ideas, ambitions and character of Mr. Chamberlain in such a way as to foreshadow his policy, should he be called, as M. Viallate seems to think will be the case, to direct the foreign policy of Great Britain. In the first chapter, M. Viallate gives a sketch of Mr. Chamberlain's work in municipal politics. There is, of course, nothing new in this section; but in the space of 18 pages, a bright account is given of the transformation of Birmingham, and the hold that Mr. Chamberlain obtained through his able administration of municipal affairs on the electors of the Midlands. He then gives Mr. Chamberlain's career in the House of Commons, and in the cabinet of Mr. Gladstone, as President of the Board of Trade, from 1880 to 1885, and his brief occupancy of the presidency of the Local Government Board in 1886, which was ended by his retirement from the cabinet on his rupture with Mr. Gladstone over the Home Rule question. The change from Liberal to Liberal Unionist, first in alliance with the Conservatives, and then in coalition, and as a member of Lord Salisbury's cabinet, is well described. M. Viallate does justice to Mr. Chamberlain as not having been deliberately inconsistent throughout these changes. He points out that, throughout his career, Mr. Chamberlain's first object has been the material well-being of the people of England, and that the apparent changes in his opinions have been largely caused by the proved insufficiency of his earlier panaceas to banish poverty and misery and bring about universal well-being. The municipal reforms in Birmingham, the social programme, with its items of allotments, small holdings, better homes for the working classes, compensation to working people injured in the course of their employment, old age pensions, a programme which through his energy and perseverance has been largely incorporated into English law, the later Imperialistic policy, and the insistence on the preservation of foreign markets for Great Britain, all had this aim in view. But the lack of higher principle, of the sense of truth and justice

for Great Britain as more essential to the preservation and happiness of the nation than markets and material well-being, threatens to lead to most serious trouble, if M. Viallate's estimate of Mr. Chamberlain's aims is correct, and if Mr. Chamberlain should have the opportunity of carrying out these aims. M. Viallate believes that the Fashoda trouble was deliberately created by Mr. Chamberlain, when the French had no intention of putting obstacles in the way of English ambitions. He thinks that Mr. Chamberlain was alarmed at seeing so many markets closing to British enterprise, and that he was determined to assert British supremacy on the seas. Fearing a possible coalition of European powers, he wished to seize on any excuse to crush one of these powers while it was still possible, and thus "to inspire anew the salutary fear of the English name" on the seas. That this scheme proved abortive was due to French forbearance and the refusal of Lord Salisbury to be stampeded into war.

A. G. P.

The newest parts of *neueste Geschichte* are often the hardest to get hold of, and therefore, though the plan be not all-comprehensive nor the execution perfect, we take pleasure in mentioning Mr. H. Whates's *The Politician's Handbook* (Westminster, Vacher and Sons, pp. 169) of which the initial issue, for the session of 1899, lies before us. There are two divisions, political and commercial, in each of which the articles are arranged alphabetically. The book is simply a digest of the British blue-books of the year—diplomatic correspondence, reports of royal commissions and of select committees, treaties, consular reports, etc. Attention is given mostly to those regions of the world in which Great Britain is involved in political and commercial struggle. Thus the inquirer will find no facts of history or news from Italy or Austria; but about Crete and Fashoda and Newfoundland he will find summaries of recent official reports.

*International Courts of Arbitration*, by Thomas Balch, 1874 (Philadelphia, Henry T. Coates and Co.).—This is in the main a reprint of an article in *The Law Magazine and Review* (London) for 1874. The author's son has re-issued it in view of present interest in the subject, but has added some material derived from his father's papers, especially an account of an interview with President Lincoln. The elder Mr. Balch claimed to have been the first to suggest such international tribunals as that which sat in the *Alabama* case.

*The Establishment of Spanish Rule in America. An Introduction to the History and Politics of Spanish America.* By Bernard Moses, Ph.D., Professor in the University of California. (Putnams, pp. x, 328.)—Teachers of American history will find in this work of Professor Moses a long-needed help. That our elementary and advanced courses in colonial history should be brought into closer relation and comparison with the history of the non-English colonies has long been realized, but

the absence of suitable manuals of Spanish colonial history has hindered the attainment of this object. Professor Moses's book has been designed for this purpose and is admirably adapted for it. He has avoided the pitfall of excessive detail and the firmness and lucidity of his exposition of the machinery of administration in the colonies attest his first-hand knowledge of both Old and New Spain. There are chapters on the early history of Peru, Chile, Venezuela and Colombia, and the Rio de la Plata region. The great organs of administration, the Audiencia, the Viceroy and the Church are treated concretely as they appear in the history of Mexico, while the economic aspects of Spanish colonial policy are set forth first by an analysis of the work of the Casa de Contratacion and toward the end of the volume by a more general view of Spanish commercial policy. A suggestive comparison of Spanish and English colonization concludes the discussion.

One cannot help wishing that Professor Moses had gone a step further in rendering assistance to the teacher and advanced student in regard to the literature and sources of Spanish colonial history. Probably no one else in the country is better prepared to furnish such guidance, and it might very easily be added to the present volume in an appendix. As it is, the references are simply to the last names of the authors and to the bare titles of the books without the place or date of publication. Even with the conveniences of a large library I have found it by no means an easy task to find out these essential data, and a busy student can rightfully expect an author to save him from such a waste of time. This is the only serious defect in this otherwise excellent book. It is to be hoped that we shall not have to wait too long for the continuation of this study of Spanish colonial conditions, at which the author hints in his preface. In the meantime, the teacher with this book and Parkman's *Old Régime in Canada* will be able to lead students to a most instructive comparative study of Spanish, French and English colonies, and of the purposes and practice of the respective mother countries.

EDWARD G. BOURNE.

Dr. Wm. Seward Webb has caused to be set forth, in a beautifully printed little volume (pp. 144, edition of 250 copies) edited by Mr. Worthington C. Ford, an orderly book in his possession, *General Orders of 1757, issued by the Earl of Loudoun and Phineas Lyman in the Campaign against the French*. The manuscript belonged to some one in the regiment of General Phineas Lyman of Connecticut, an officer to whose high qualities Dr. Webb pays a deserved tribute. The orders cast no light on battles, none of which are mentioned in these pages. The details are the ordinary details of eighteenth-century camp life. Extending from May to November, 1757, when the Connecticut regiment returned from Fort Edward, where it had spent the whole summer, the orders exhibit with some interest the process of indoctrinating and maintaining ordinary discipline among provincial militia. The print follows with exactness, apparently, the peculiarities of the manuscript, of which

a page is given in photographic facsimile. It is to be regretted that it uses "ye" or "y" for "the." If printed in 1757, the record would have "the" everywhere; the sign for "th" is not a "y," either historically or in the shape generally given it in manuscript, *vide* the page of facsimile; a page studded with "ye" is abhorrent and unnecessarily hard to read; and half-educated persons are confirmed in their dreadful habit of pronouncing "the," when thus abbreviated, as if they were struggling with the unfamiliar second-person-plural pronoun.

In the series of *Johns Hopkins University Studies*, No. 4-5 of Series XVII. is a dissertation on *The History of the Know-Nothing Party in Maryland*, by Mr. Laurence F. Schmeckebier (pp. 125). The subject is an interesting one, not only on account of the phenomena which the movement manifested in all parts of the country alike, but also because of the peculiar position of Maryland, as the one state having a large native American Catholic element, and because of the peculiar addiction of Baltimore to secret societies, such as that out of which the Know-Nothing party arose. Mr. Schmeckebier has treated the matter with conscientious research and with ability, though rather as a succession of elections and political struggles reported by the newspapers than as a movement in public opinion. Special causes in Maryland were unusual aggressions of German radicals and of Catholics seeking public money for their schools. Yet so soon were the original principles of the "Americans" forgotten, that the second Know-Nothing legislature passed no anti-Catholic or anti-foreign legislation. It would have been interesting to have had the connection between the Know-Nothings and the Constitutional Union party more fully worked out. The dates (years) in the narrative are too few for clearness. The pamphlet is, like so many doctoral dissertations of the present time, very ill written, with frequent vulgarisms like "fake candidates," "could not help but," etc. The proof-reading is also defective; surely a university publication ought not to print the name of the well known candidate of 1856 and 1860, in every instance, Breckenbridge.

No. 6 is a brief paper (pp. 42) on *The Labadist Colony in Maryland*, by Bartlett B. James, Ph.D. That short-lived experiment has already been dealt with in Murphy's edition of the journal of Danckers and Sluyter, and in monographs printed by the historical societies of New Jersey, Delaware and Maryland. Dr. James, who is, we believe, a clergyman, treats with especial intelligence the Labadist system of doctrine and discipline. He has also a competent knowledge of the Dutch sources for the history and criticism of the sect, and his narrative is one of much interest, though quite brief. Those faults of proof-reading which we have mentioned in connection with Mr. Schmeckebier's dissertation are even more numerous in this; in the appended bibliography, of two pages and a half, we note sixteen misprints.

More interesting and important than either of these is No. 7-8, *Slavery in the State of North Carolina*, (pp. 111), by Professor John S. Bassett of



Trinity College in that state, a continuation of his previous studies on *Slavery and Servitude in the Colony of North Carolina* and on *Anti-Slavery Leaders of North Carolina*. No Southern historical monographs are, to our mind, more useful or more interesting than those essays of recent years, beginning with Dr. J. R. Brackett's *Negro in Maryland*, in which the attempt is made to set forth, from trustworthy original sources, the actual facts of slavery as a concrete institution. Among such attempts Professor Bassett's modest and judicious performance has an important place. Its spirit is admirable, and, though its style is sometimes inelegant, in other respects its workmanship is careful. It does not pretend to be final. Many more local contributions are necessary before the history of slavery in any state can be written in a form approaching permanence. But it is a great help to us all to have so good a pioneer essay. Mr. Bassett has made much use of the reports of judicial decisions, as well as of the laws, in his sections on the legal status of the slave and on free negroes and emancipation. Perhaps the most interesting sections are those on the religious and social position of the negroes in North Carolina. The leading peculiarities of slavery in that state seem to have arisen from its population being largely composed of middle-class farmers, slave-owners on a small scale if at all, and from the prominence of the Methodists, Baptists and Quakers. It appears plain that slavery was a milder institution in North Carolina than in Virginia or in South Carolina, and especially so before 1830. The best specimen of the negro race in the state, John Chavis, preacher and teacher, educated at Princeton by President Witherspoon, was received as a social equal by the best people of his neighborhood; we doubt if this would have been true in either of the adjoining states. The extent of local diversities in the South has till lately received too little attention in studies of slavery. Mr. Bassett shows a great increase of harshness in the laws after 1830 and 1831.

*The Beacon Biographies*, edited by M. A. De Wolfe Howe. (Boston: Small, Maynard and Co.)—Series of brief biographies multiply, and it is not to be expected that an historical review should present elaborate notices of lives compressed within a hundred or so small pages, even though they be so interesting, and in the main so well executed according to their small scale, as those which thus far have appeared in this new series. A few words may be held to suffice. In the first place, the little books are very pretty, and each one contains a good photogravure of its subject. In each the narrative is preceded by a chronological summary of the events of the life, and followed by a brief select bibliography. The editor opens the series with an excellent little book on Phillips Brooks, written from the layman's point of view. Mr. James Barnes writes of David Farragut, in a popular style; Professor William P. Trent of Robert E. Lee, presenting the view of one who is an intense admirer of that noble man without greatly admiring the school of politics in whose cause he fought. Professor Edward Everett Hale, jr., writes brilliantly of James Russell Lowell; Mr. Norman Hapgood deals



with Daniel Webster. The books are pleasant reading, but by no means masterpieces. Their chief interest is that they present their subjects from the point of view of a generation younger than that which has hitherto written of these great men. It is understood that there will soon be added to the series books on Nathaniel Hawthorne, by Mrs. James T. Fields; on Aaron Burr, by Mr. Henry C. Merwin; on John Brown, by Mr. J. E. Chamberlain; on Thomas Paine, by Mr. Ellery Sedgwick; and on Frederic Douglass, by Mr. Charles W. Chesnutt.

Mr. James D. Richardson's *Compilation of the Messages and Papers of the Presidents, 1789-1897*, published by authority of Congress, is now completed by the issue of the tenth volume of 677 pages. Indeed, it is much more than completed, for more than half of the volume is mere padding, which has no proper place in the compilation and ought not to be here printed with government money. The first 121 pages contain presidential messages, proclamations and orders omitted, by defective plan or by accident, from the first nine volumes. The printing of these is of course proper, though it will always be an inconvenience that they are not in their rightful place, and there is no need of mingling among them several papers of heads of departments. The next hundred pages are occupied with President McKinley's messages, proclamations and executive orders relating to the recent Spanish War, and this also has a defense. But there is no sufficient excuse for swelling the index to more than four hundred pages, by thrusting into it "a large number of encyclopedic articles, intended to furnish the reader definitions of politico-historical words and phrases occurring in the papers of the Chief Magistrates, or to develop more fully questions or subjects to which only indirect reference is made or which are but briefly discussed by them"; still less "short accounts of several hundred battles in which the armies of the United States have been engaged" whether mentioned in presidential documents or not; still less "descriptions of all the States of the Union and of many foreign countries,"—all prepared by the editor's son. Of course Mr. Richardson had the consent of the Committee on Printing, but the result is a most extraordinary farrago, a large part of which has about as much relation to the purposes of an index as insertions from the Nautical Almanac would have to those of a prayer-book. Thus, for examples chosen at random, on page 400 one half (500 words) is a history of the battle of Hampton Roads, which accompanies and obscures the single reference "VI. 112"; a portion of the remainder consists of an account of the battle of Hanging Rock, which occurred nine years before the date at which Mr. Richardson's *Compilation* begins, and upon which there is of course no index-reference. Three-quarters of page 500 are devoted to otiose accounts of New France, New Hampshire, New Hope Church (battle of), and New Ireland; New France and New Ireland of course fall entirely outside the scope of these volumes, and are not referred to in them, nor is the battle of New Hope Church. Of page 600 nearly half consists of a poor account of

Spain. Was there any real public demand that Mr. Richardson should cause an unknown person to prepare an inferior politico-historical cyclopaedia and then cut it up and use it to dilute his index? It is unfortunate that so useful, and in the main well executed a series should have so lame a conclusion. The index itself, when one penetrates to the items, is not constructed according to modern methods.

The Massachusetts Historical Society still remains the most scholarly of our local historical organizations. The new volume of its *Proceedings*, Second Series, Vol. XII. (pp. 521), is marked everywhere by careful scholarship, and scholars everywhere will be grateful for some parts of its contents. Dr. S. A. Green, by supplementary bibliographical lists, raises to 556 the number of seventeenth-century American imprints in New England libraries listed by him and by Mr. Nathaniel Paine. Mr. S. F. McCleary gives an account of the history of the famous fund which Franklin left to the town of Boston. Mr. James Schouler, in a paper on the Cuban situation in 1825, controverts Senator Lodge's statement that at that time the Government of the United States, acting in the interest of slavery, prevented the revolutionizing of Cuba and its acquisition of independence. An elaborate letter of John Quincy Adams on the Graves-Cilley duel is printed. The rest of the contents are not of great importance. Fully one-fourth of the volume is occupied with the commemoration of ten deceased members, seven of whom had little connection with historical work. The volume, at various places, betrays a gratifying uneasiness lest the society fail to occupy itself with tasks commensurate with the collective scholarship of its members. Its president's project of a monumental edition of the journals of Bradford and Winthrop was unfortunately defeated. But there are signs that the society is turning towards much-needed work in fields later than the Revolution; and Mr. T. Jefferson Coolidge's munificent gift of more than three thousand Jefferson papers will surely aid this tendency. The establishment of a special Historical Manuscripts Committee we have already mentioned.

The Alabama Historical Society, lately reorganized, has published the second volume of its *Transactions* (Tuscaloosa, pp. 204, to be obtained of the secretary, Thomas M. Owen, Esq., of Carrollton), the first since the reorganization. It makes a creditable and interesting beginning. The contents are of considerable variety. There are articles in the military, educational, religious, biographical and economic history of the state and territory of Alabama, and the secretary, Mr. Owen, who edits the volume, has supplied each contribution with many useful footnotes, biographical and other. Mr. Owen, who is chairman of the Alabama History Commission recently constituted by the General Assembly for the purpose of thorough examination and report upon the materials for the history of the state, also contributes an article on the work of William Henry Fowler as the state's superintendent of army records, from 1863 to 1865. A long and valuable document is the series of to-

pographical notes and observations set down in journal form by Major Howell Tatum, U. S. A., in 1814, when he accompanied General Jackson, as topographical engineer of the Seventh District, in a voyage down the Alabama River, from Fort Jackson to Mobile. The journal, kept by Jackson's orders, is mostly filled with physical details, but it also pays attention to details of the "culture." Of other articles we should especially signalize the account of the genesis of the public school system of Alabama, 1854-1858, by Gen. W. F. Perry, the first state superintendent, and Mr. P. J. Hamilton's account of early roads of Alabama, Indian and white.

Vol. II. of the *Publications of the Mississippi Historical Society* (Oxford, Miss., pp. 243, Franklin L. Riley, secretary) contains a good amount of interesting matter. The first half-dozen pieces relate to Mississippi writers and literature, with admirable and all-too-brief remarks by Professor C. Alphonso Smith as a preface. In this section the best article is Professor Riley's paper on "Sir William Dunbar, the Pioneer Scientist of Mississippi" (1759-1810), in which a valuable and interesting life is well worked out from original materials obtained at Washington and elsewhere. Professor C. H. Brough's paper on the history of taxation in Mississippi, that of Mr. Alfred H. Stone on its early slave laws, and Mr. Thomas M. Owen's list of the judges and other officers of federal courts in Mississippi are also scientific in method. Mr. P. J. Hamilton's paper on the running of the south line of the territory is merely Ellicott's *Journal* over again. Some of the other articles (and the same is true of the Alabama volume just mentioned) have a good deal of that provincial rhetoric which our local historical societies always have to work off in their earlier years; but in both books the solid parts preponderate.

Dr. Douglas Brymner's *Report on Canadian Archives for 1898* (Ottawa, pp. xxx, 56, 597-680, 181-330) contains his calendar of the state papers for Upper and Lower Canada from 1824 to 1828, preceded as usual by certain groups of documents printed *in extenso*. In this volume there are three of these groups: one relating to the attack of Wolfe's troops on Montmorency, one to Galt's land-company in Upper Canada and Felton's in Lower Canada, and one to a dispute as to the naturalization of aliens, which has its connections with the history of the United States, since it arose out of the election to the Assembly of Upper Canada of Barnabas Bidwell, previously a prominent member of Congress from Massachusetts. Dr. Brymner reports the receipt by his archives of its transcripts of state papers from London extending to 1837 and from Paris to 1767; also the gift by M. René de Kerallain, of Quimper, France, of a collection of the correspondence of Bougainville.

Professor George M. Wrong, of the University of Toronto, has associated with himself, in the preparation of his *Review of Historical Publications relating to Canada for the Year 1898*, Mr. H. H. Langton, librarian of the university, and the volume (pp. 225) appears as "Uni-

versity of Toronto Studies, History, First Series, Vol. 3", and is published by the librarian. The scope of the present collection is similar to that of previous issues. The editors have had the assistance of Mr. James Bain, jr., of the Public Library of Toronto, for books of Ontario history, of Dr. A. F. Chamberlain, of Clark University, for books relating to Canadian archaeology and ethnology, and of others; but it is evident that their own labors, in the preparation of so complete an account of Canadian historical publications, must have been large in amount. The reviews are in almost all cases serious and valuable. Mr. Harris's article, in the last volume of this REVIEW, on "The Outcome of the Cabot Quater-centenary," is reviewed in a temperate manner on pp. 37-45. It does not appear that the year 1898 was highly fruitful in Canadian history. The leading books mentioned are: the tenth volume of the late Mr. Kingsford's *History of Canada*, the Abbé Casgrain's *La Guerre du Canada, 1756-1760, Montcalm et Lévis*; Mr. Archer Martin's *The Hudson's Bay Company's Land Tenures*; Rev. R. G. MacBeth's *The Making of the Canadian West*; and some good books of local history, like M. Poirier's *Le Père Lefebvre et l'Acadie* and M. Roy's *Histoire de la Seigneurie de Lauzon*. Minor books and many articles in journals are noticed.

## NOTES AND NEWS

The Committee of Arrangements for the fifteenth annual meeting of the American Historical Association, at Boston and Cambridge, has laid out an interesting series of sessions. A committee of reception, of fifty members, headed by Governor Wolcott, will be formed. The Massachusetts Historical Society offers the use of its beautiful new building for such purposes as the Association may find convenient; and about thirty local societies will co-operate in the meetings. The six colleges in the vicinity of Boston—Harvard, Boston University, Boston College, Tufts, Wellesley and Radcliffe—join in the invitation.

The details of the programme are not yet settled, but it will be substantially as follows: The first session will be held on Wednesday morning, December 27, with an interesting programme; there will be no session that afternoon; on Wednesday evening the president's address will be the sole exercise. It will be followed by a reception on a large scale; still later there will be a "smoker" at the Colonial Club, Cambridge. On Thursday morning and evening there will be regular sessions; and on Thursday evening President Rhodes will receive. Friday will be Cambridge Day, with a morning session in Sanders Theatre, followed by a luncheon; an afternoon session and tea for ladies at Radcliffe College; and a general business meeting. On Thursday evening the annual meeting will conclude with a subscription dinner in Boston. Throughout the meetings members of the Old South Historical Society will be in attendance to act as guides to Old Boston; and in Cambridge members of the Harvard Historical Club and the Radcliffe History Club will show the two colleges. On Saturday, December 30, excursions will be arranged to Plymouth and to Wellesley College for such as are able to take part in them. Preliminary programmes will be sent out about November 1.

The Committee on the Winsor Prize, appointed by the American Historical Association, would be glad to consult with persons intending to compete. The committee is composed of the following gentlemen: Professor Frederick J. Turner, Madison, Wisconsin, chairman; Professor Charles M. Andrews, Bryn Mawr, Penn.; Professor E. P. Cheyney, University of Pennsylvania, Philadelphia, Penn.; Professor Herbert L. Osgood, Columbia University, New York City; and the Very Rev. Dr. Charles L. Wells, Dean of the Cathedral Church of New Orleans, La.

Hofrath Heinrich Ritter von Zeissberg, director of the Court Library at Vienna, died on May 27, nearly sixty years old. From 1863 to 1871 he was a professor of history at Lemberg, where he wrote his classical

treatise on the medieval historiography of Poland, and other works of Polish history. He was a professor at Innsbruck from 1871 to 1873, at Vienna from 1873 to 1896, when he became librarian. After writing much in Austrian history, he was charged by the Vienna Academy with the continuation of Vivenot's *Quellen zur Geschichte der deutschen Kaiserpolitik Oesterreichs während der französischen Revolutionskriege*, of which he published Vols. III., IV. and V. As the result, he was charged by the Archdukes Albrecht and Wilhelm with the preparation of the authorized biography of their father, the Archduke Charles. Of this book he left but two volumes (—1795) completed.

Dr. Daniel G. Brinton died at Atlantic City on July 31, aged 62. Eminent as a physician and as medical director of an army corps during a part of the Civil War, he won his chief fame as a student of American ethnology and linguistics. He was professor of ethnology and archaeology in the Academy of Natural Sciences at Philadelphia, and of American linguistics and archaeology in the University of Pennsylvania, to which before his death he presented a valuable collection of books in these subjects. He was the author of many books in his chosen field, among the most important being his *Myths of the New World*, *Aboriginal American Authors and their Productions*, *American Hero Myths*, *Maya Chronicles*, *Essays of an Americanist*, and his lectures on *The Religions of Primitive Peoples*. With a view to promote the knowledge of American linguistics, he published a *Library of Aboriginal American Literature*, eight volumes of texts, chiefly Central American. Dr. Brinton was a singularly genial and generous man.

Hon. Amos Perry, who for more than a quarter of a century had been the devoted and indefatigable secretary and librarian of the Rhode Island Historical Society and editor of its publications, died on August 10, within two days of the completion of his eighty-seventh year. Mr. Perry was U. S. consul at Tunis during the administration of Lincoln and a part of that of Johnson, and wrote a book on *Carthage and Tunis* which, in the days before the French occupation, was one of the leading works on the country.

Dr. Charles J. Stillé, formerly provost of the University of Pennsylvania, died at Atlantic City on August 11, in his eightieth year. He was a scholar of varied historical learning. In 1882 he published an esteemed volume of *Studies in Medieval History*, in 1891 his *Life and Times of John Dickinson*, and in 1893 *Major-General Anthony Wayne and the Pennsylvania Line in the Continental Army*.

Professors Ephraim Emerton and Charles Gross of Harvard University are to be absent in Europe during the present academic year. Professors C. H. Haskins of the University of Wisconsin and C. W. Colby of McGill University are to lecture at Cambridge in their places.

Mr. Justin S. Smith of Boston has been elected professor of modern European history at Dartmouth College, and Dr. W. C. Abbott of the University of Michigan associate professor.

Dr. Arthur C. Howland, formerly of the University of Pennsylvania, has been made professor of history in the Teachers' College in New York City; Rev. Lyman B. Hall in Oberlin College; Dr. Simon J. McLean in the University of Arkansas.

Miss Lucy Salmon, professor in Vassar College, continues her absence from this country during the present academic year. Mr. Theodore Clarke Smith continues to take her place at Vassar.

Dr. Frederic W. Sanders, professor of European history in West Virginia University, has been elected president of the New Mexico College of Agriculture and the Mechanic Arts. Miss L. C. Daniells, late of the Lewis Institute, Chicago, has been chosen professor of European history in his place.

Dr. Henry C. Stanclift, formerly acting professor of the history of Continental Europe at Northwestern University, has been elected professor of history and political science in Cornell College, Iowa.

Under the title *Annales Internationales d'Histoire*, the committee of the International Congress of History held at the Hague in September, 1898, has begun the publication of its papers. The form chosen is that of quarterly installments. The first part (pp. civ.) consists mainly of the formal reports of the proceedings of the general sessions and those of the individual sections, and contains little matter that is of much interest to historical students, except the reports, by various delegates, on the historical publications heretofore issued by the departments of foreign affairs in their respective countries. Of these the report on the publications of the Russian archives of foreign affairs is the most detailed, and probably to American readers the most instructive. The Congress appointed a committee to prepare a plan for the systematic publication of the unpublished documents contained in the foreign offices of the different countries; this committee, we understand, is about to propose such a plan to the various governments.

An international congress of those interested in the history of religions is to take place at Paris on September 3-9, 1900. Professors Jean Reville and Léon Marillier of the Sorbonne may be addressed by inquirers or those desiring to participate. The invitations issued in the name of the Société d'Histoire Diplomatique for a general historical congress at Paris in 1900 have, it is said, been disowned by that society.

Three sheets compose Part XXII. of Dr. R. L. Poole's *Historical Atlas of Modern Europe* (Clarendon Press). The first two comprise four maps of Central Europe, showing the changes effected between 1795 and 1810, with a lucid summary of these changes, in the letter-press by Mr. H. A. L. Fisher; the third, edited by Mr. E. W. Brooks, shows the four Eastern patriarchates and their metropolitan, autocephalous and ordinary sees, as they were about A. D. 750. A small inset map exhibits the divisions of the patriarchate of Constantinople in 911. Part XXIII. contains a map of Germany during the Reformation and the



Thirty Years' War in two sheets, by Rev. J. P. Whitney, and a map of Western Asia under the Turks and Persians A. D. 1600, by Dr. Stanley Lane-Poole.

We are informed that Dr. Luka Jelic of Zara, Dalmatia, has discovered in the Library of the Vatican a very ancient copy of the maps of Ptolemy, hitherto believed to be irrecoverably lost; and has proved that many of the details shown upon it, and upon the printed "Ptolemies" of the fifteenth and succeeding centuries, exhibit to us the still earlier labors of Marinus Tyrius, of Hipparchus, and even of Eratosthenes. This subject is treated by Dr. Hugo Berger of Leipzig in the *Berichte* of the Royal Saxon Society of Sciences, Philol.-hist. Cl., for May,—*Die Grundlagen des Marinitisch-Ptolemäischen Erdbildes*.

Upon the occasion of the meeting of the twelfth Congress of Orientalists, at Rome, October 1, the Società Editrice Dante Alighieri of that city proposes to issue, in a handsome and limited edition, an interesting volume entitled *Roma e l'Oriente nella Storia, nella Leggenda e nella Visione*, by Professor Angelo de Gubernatis. The successive chapters will treat of the relations of ancient Rome with each of the Eastern powers and nations, of the emperors who were Eastern in origin, of the Jews at Rome and the beginnings of Christianity there, of the relations of medieval Rome to the barbarians, the Saracens and the Crusades, of the influence of the East on the Italian Renaissance, and of the relations of the East to the Papacy and to modern Italy.

#### ANCIENT HISTORY.

Professor James A. Craig of the University of Michigan has published in Delitzsch and Haupt's *Assyriologische Bibliothek* (No. XIV.) a series of astrological-astronomical texts, copied from the original tablets in the British Museum and autographed (pp. 9 and 95 plates). No. XV., by Professor Ira M. Price of Chicago, contains the great cylinder-inscriptions A and B of Gudea, copied from the original clay cylinders of the Telloh collection at the Louvre—text and sign-list (111 pl.) The transliteration, translation, commentary and notes are to follow.

The Prussian Academy's *Inscriptiones Graecae Insularum Maris Aegaei* (Berlin, G. Reimer) advances to its second part, devoted to Lesbos and Tenedos.

The life of Alexander the Great, by Professor Benjamin Ide Wheeler, which has of late been running serially in the *Century Magazine*, will be published as a book by Messrs. G. P. Putnam's Sons, in the series of "Heroes of the Nations."

An extremely pleasing edition of an historical classic is the "Temple Plutarch," Sir Thomas North's racy translation of Plutarch's Lives, issued by J. M. Dent and Co. in ten very pretty volumes after the style of the "Temple Shakespeare" (but on paper too transparent).

The second part of the first volume of Professor Ettore Pais's *Storia di Roma* (Turin, Carlo Clausen, pp. xlvii, 746) contains his criticism

of the traditions from the fall of the Decemvirate to the intervention of Pyrrhus.

The third volume of M. J.-P. Waltzing's *Étude Historique sur les Corporations Professionnelles chez les Romains* (Louvain, Peeters, pp. 352) consists of a collection of the Greek and Latin inscriptions relating to the Roman corporations.

The sixth volume of M. d'Arbois de Jubainville's *Cours de Littérature Celtique* (Paris, Fontemoing, pp. 418) is devoted to a consideration of the civilization of the Gauls of the last three centuries before the Christian era and of the Irish as depicted in their oldest epic literature, and to a comparison of these with the civilization of the Homeric age. Whatever may be said of the main thesis, the book is one of great interest and suggestiveness.

Noteworthy articles in periodicals: V. Marx, *Die Stellung der Frauen in Babylonien gemäss den Kontrakten aus der Zeit von Nebukadnezar bis Darius* (Beiträge zur Assyriologie, IV. 1); P. Gardner, *Greek History and Greek Monuments* (Atlantic, August); E. Revillout, *Hérodote et les Oracles Égyptiens* (Revue des Questions Historiques, July); B. I. Wheeler, *Alexander's Invasion of India* (Century, September); C. Wachsmuth, *Das Königtum der hellenistischen Zeit, insbesondere das von Pergamon* (Historische Vierteljahrschrift, II. 3); *The Fall of the Roman Empire* (Edinburgh Review, July).

#### EARLY CHURCH HISTORY.

In the *Deutsche Zeitschrift für Kirchenrecht*, IX. 1, Dr. G. Bocher presents a bibliography of the literature upon ecclesiastical history which appeared during the last half of the year 1898.

The French School at Athens proposes to publish a *Corpus Inscriptionum Graecarum Christianarum*, arranged in the form now usual in such publications, with an extended introduction which will contain virtually a history of Byzantine epigraphy. M. Laurent will edit the inscriptions of Europe and Africa, M. Frantz Cumont those of Asia. It is intended that each text shall be, as far as possible, collated with its original.

Rev. P. H. Casey, professor of dogmatic theology in Woodstock College, has published *Notes on a "History of Auricular Confession"* (Philadelphia, J. J. McVey, pp. 118), a criticism, from a Catholic point of view, of Mr. Henry C. Lea's well-known work.

Noteworthy articles in periodicals: E. Zeller, *Zur Vorgeschichte des Christenthums; Essener und Orphiker* (Zeitschrift für wissenschaftliche Theologie, XLII. 2); D. J. McKinnon, *The Census of Quirinius* (Catholic University Bulletin, July); F. A. Christie, *The Influence of the Social Question on the Genesis of Christianity* (New World, June); F. Bacchus, *The Succession of the Early Roman Bishops* (Dublin Review, April); *The Creeds at the Council of Chalcedon* (Church Quarterly Review, April).

**MEDIEVAL HISTORY.**

Dr. Adriano Cappelli, sub-archivist of the archives of state at Milan, has published a book of reference in which our medievalists will find advantage, it being much ampler than similar northern manuals, *Dizionario di Abbreviature Latine ed Italiane, usate nelle Carte e Codici specialmente nel Medio-Evo* (Milan, Ulrico Hoepli, pp. lxii, 435).

The Bollandist fathers have issued the second *fasciculus* of the *Bibliotheca Hagiographica Latina Antiquae et Mediae Aetatis*, previously described in these pages. This number (pp. 225-464) extends from Caedmon to Franciscus. The third number is to be somewhat delayed in order to include more of the constantly augmenting literature relating to St. Francis of Assisi. Indeed, so large is the increase in their material that the editors, instead of a volume of 900 or 1000 pages, now announce more than 1200 pages, to be divided into two volumes.

By the munificence of Lady Meux, Dr. E. A. Wallace Budge, of the British Museum, has been enabled to print a splendid volume with 125 colored plates, entitled *Lady Meux Manuscript No. 1; The Lives of Mäba' Seyôn and Gabra Krestôs* (London, W. Griggs, pp. lxxxiii, 144, 65), intended chiefly to illustrate the history and artistic qualities of the illustrations in Ethiopic manuscripts. The Ethiopic text of the two saints' lives, in themselves not remarkable, is presented with an English translation; this is followed by a treatise on the illuminations of Ethiopic manuscripts, with colored reproductions of those in the manuscript possessed by Lady Meux and black and white reproductions of thirty-two others derived from the codices owned by the British Museum. Dr. Budge has lately published (London, Henry Frowde, pp. 601) the Ethiopic text of the apocryphal acts called *The Contendings of the Apostles*, of which Mr. S. C. Malan printed an English translation in 1871.

In *Le Schisme Oriental au XI<sup>e</sup> Siècle* (Paris, Leroux) M. L. Bréhier studies especially the career of the patriarch Michael Cerularius, and the political and other conditions of the Byzantine Empire of his time which made it possible for him to effect a permanent breach between the Eastern and Western churches.

Brother Benedikt Maria Reichert has published the first volume of the *Acta Capitulorum Generalium* in the collection of *Monumenta Ordinis Fratrum Praedicatorum Historica* (Rome, in domo generalitia, pp. 326). It covers the years 1220-1303.

The eighth volume of the edition of St. Bonaventure which is being prepared, with critical fidelity and scholarship, by the Franciscan fathers of the College of St. Bonaventure at Quaracchi, *Doctoris Seraphici S. Bonaventurae Opera Omnia*, VIII. (pp. cxxiv, 758) is of especial importance for the history of the Franciscan movement during its first half-century; for it contains the saint's *Legenda Major* and *Legenda Minor* of St. Francis, the Constitutions of Narbonne (1260), and many opus-cules valuable as sources of knowledge.

The French schools at Athens and Rome have begun in their joint *Bibliothèque* (2d series, XIV. 1) the issue of a collection of the bulls of Pope Nicholas III., (1277-1280), *Registres de Nicolas III., Recueil des Bulles de ce Pape*, edited from the original manuscript of the Vatican by J. Gay, Part I., (Paris, Fontemoing, pp. 112).

M. Joseph de Loye, archivist of the department of the Basses-Pyrénées, has published as Fasc. 80 of the *Bibliothèque des Écoles Françaises d'Athènes et de Rome* a descriptive inventory of an important section of the Vatican archives, *Archives de la Chambre Apostolique au XIV<sup>e</sup> Siècle*, chiefly financial accounts,—Introitus et Exitus, Collectoriae, Obligationes, and Regesta Avinionensia.

Noteworthy articles in periodicals: P. Fournier, *De l'Influence de la Collection Irlandaise sur la Formation des Collections Canoniques* (Nouvelle Revue Historique de Droit, XXIII. 1); W. Stieda, *Die städtischen Finanzen im Mittelalter und ihre Verwaltung* (Jahrbücher für Nationalökonomie und Statistik, XVII. 1); G. Hönnicke, *Der Hospitalorden in der zweiten Hälfte des XII. Jahrhunderts* (Zeitschrift für wissenschaftliche Theologie, XLII. 1); E. Müntz, *L'Argent et le Luxe à la Cour Pontificale d'Avignon* (Revue des Questions Historiques, July).

#### MODERN EUROPEAN HISTORY.

The *Revue d'Histoire Moderne et Contemporaine*, the new journal to be issued by the house of Alphonse Picard et Fils, will be especially devoted to the history of France. Besides body-articles and reviews of books, it will have an annual bibliography of books and articles published in all countries on the modern history of France. The *Revue* will be published every other month. Its price, to subscribers in foreign countries, will be twenty francs.

Mr. Henry Harrisse has sent us *The Dieppe World Maps, 1541-1553*, (pp. 13), reprinted from the *Göttingische Gelehrte Anzeigen*, in which he bitterly assails Mr. C. H. Coote's editing, in No. 4 of the *Bibliotheca Lindesiana*, of the three mappemondes referred to.

The Roman Institute of the Görres Gesellschaft issues during the year 1899 the first volume of its *Collectio Tridentina*, containing the journal of Massarelli, secretary of the council. The second volume of the journal, which will follow immediately, will perhaps be accompanied by the first volume of the acts of the council. In its series of reports of nuncios the society has just published those of Ottavio Mirto Frangipani from Cologne, 1587-1590, edited by Dr. Stephan Ehse (Paderborn, F. Schöningh, pp. lxi, 544). Meanwhile the Prussian Institute, of the nuncios of its section, has published the reports of Verallo, 1546-1547 (Gotha, F. A. Perthes, pp. lvi, 736).

Baron Alberto Lumbroso's *Correspondance de Joachim Murat* (Turin, Roux Frassati and Co.; Paris, Picard, pp. 512), containing letters from 1791 to 1808, will shortly be followed by a biography of Murat with which the author has long been occupied.

Professor H. Ulmann of Greifswald describes from documentary materials *Russisch-Preussische Politik unter Alexander I. und Friedrich Wilhelm III. bis 1806* (Leipzig, Duncker und Humblot, pp. 318).

Captain F. von Ortrov has done a useful work for the student of recent diplomatic history by gathering together into one volume all the treaties and diplomatic acts relating to the partition of Africa, as at present accomplished, *Conventions Internationales définissant les Limites actuelles des Possessions, Protectorats et Sphères d'Influence en Afrique* (Paris, Félix Alcan).

Messrs. G. P. Putnam's Sons are publishing this autumn a work by Charles Neufeld, entitled *A Prisoner of the Khaleefa; Twelve Years' Captivity at Omdurman*. Mr. Neufeld set out from Cairo in 1887 on a trading expedition to Kordofan, but was betrayed into the hands of the Dervishes. He gives a vivid account of his life in prison, of his fellow-prisoners, of his attempts to escape, of the Khalifa's government, and of the state of affairs in Omdurman while Kitchener's expedition was making its way up the Nile and during the battle which followed.

#### GREAT BRITAIN.

The British government has published the *Calendar of Close Rolls* for 1333-1337; a first volume (1284-1431, pp. xxxiv, 648) of *Inquisitions and Assessments relating to Feudal Aids*, with other analogous documents; Vol. XVIII. (1589-1590) of the *Acts of the Privy Council*; *Calendar of State Papers, Domestic*, May-September, 1672; *Calendar of Treasury Books and Papers*, 1731-1734.

The Macmillan Company announce a series of about seven volumes on the history of the Church of England, to be edited by the Very Rev. W. W. Stephens, Dean of Winchester. Rev. Dr. William Hunt will write the volume on the period anterior to the Norman Conquest. Later volumes will be written by the Dean of Winchester, Canon W. W. Capes, Dr. James Gairdner, Rev. W. H. Frere, Rev. W. H. Hutton, and Canon J. H. Overton.

Several new volumes of town records have lately been published: Miss Bateson's *Records of the Borough of Leicester*, 1103-1327, (London, Clay); *Selections from the Municipal Chronicles of the Borough of Abingdon*, 1555-1897, ed. B. Challoner (Abingdon, Hooke); a first volume of *Cardiff Records*, ed. J. H. Matthews, published by the corporation; and *Winchester Long Rolls*, 1653-1721, ed. C. W. Holgate (Winchester, Wells).

The next volume of the Harvard Historical Studies will be *The County Palatine of Durham; A Study in Constitutional History*, by Dr. Gaillard T. Lapsley.

Professor G. W. Prothero, lately of the University of Edinburgh, has in preparation a volume of *Select Statutes and other Documents bearing on the Constitutional History of England from A. D. 1307 to 1558*,

to be published by the Clarendon Press. The book is composed upon the same lines as the author's volume for the reigns of Elizabeth and James I., and bridges the interval between Bishop Stubbs's *Select Charters* and that book.

Mr. George Macaulay Trevelyan, whose *England in the Age of Wycliffe* is reviewed on a previous page, has in the press a collection of unpublished documents intended to form an appendix to that work. It is entitled *The Peasants' Rising and the Lollards*, and is edited by Mr. Trevelyan and Mr. Edgar Powell, author of a book on the rising of 1381.

In the *Bulletin* of the Royal Academy of Belgium (3d series, XXXII: 2, pp. 65-108) Professor Henri Pirenne has an instructive dissertation on the Flemish Hansa at London.

The Macmillan Company have published *State Trials, Political and Social*, in two volumes, edited by Mr. H. L. Stephen, of the Inner Temple. Meanwhile Callaghan and Co., of Chicago, have published, with explanatory notes, the trials of Mary Queen of Scots, Sir Walter Raleigh and Captain Kidd, condensed and copied from Hargrave and Howell.

A new volume in Professor York Powell's series, *History from Contemporary Writers*, is Mr. R. S. Rait's *Mary Queen of Scots*, composed after the same plan as the issues relating to English history. Of the Casket Letters, Mr. Rait has printed the Scottish versions.

Miss Cora L. Scofield of Wellesley College intends to issue this autumn a volume on the Star Chamber, the fruit of original studies in the sources at London.

The third volume of the *Clarke Papers*, edited for the Royal Historical Society by Mr. Charles H. Firth, is about to be issued, if not already issued at the time of publication of these pages.

Mr. C. H. Firth's *Scotland and the Protectorate*, published by the Scottish History Society, is a continuation of his *Scotland and the Commonwealth*, published by the same body in 1895, and contains letters and papers relating to the military government of Scotland from January 1654 to June 1659. The society has also published the first volume (1572-1697, pp. xxv, 604) of Mr. Ferguson's *Papers illustrating the History of the Scots Brigade in the Service of the United Netherlands*.

Vol. II. of Mr. Osmund Airy's admirable edition of Burnet's *History of My Own Time* (Clarendon Press) is announced as in the press.

Messrs. Harper and Brothers are the American publishers of *Selections from the Manuscripts of Lady Louisa Stuart* (pp. 310) youngest daughter of John, earl of Bute, the prime minister. She died in 1851, in her ninety-fourth year, and her recollections are of much interest. The volume is edited by Mr. James Home.

The latest addition to the series of "Builders of Greater Britain" (Longmans) is a volume on *Admiral Phillip; The Founding of New South Wales*, by Louis Becke and Walter Jeffery.

Mr. Francis Edwards, of 83 High Street, London, will publish a notable *Bibliography of Australasia and Polynesia*, prepared by Mr. Edward A. Petherick. More than thirty thousand titles will be given, titles of publications in all languages, and the greatest pains will be taken to secure convenience of arrangement and fulness of indexing.

Lady Betty Balfour, daughter of the late Lord Lytton, is bringing out a *History of Lord Lytton's Indian Administration, compiled from Letters and Official Papers*.

Noteworthy articles in periodicals: *Roman Britain* (Edinburgh Review, April); J. Davidson, *England and Her Colonies, 1783-1897* (Political Science Quarterly, June).

#### FRANCE.

In the *Compte-Rendu* of the Academy of the Moral and Political Sciences for May and June, M. E. Levasseur presents a further report upon systematic researches conducted in the departmental and communal archives, for materials on the history of industries and of the working-class in the period anterior to 1789.

The record-commission of the Department of the Marine has published an *État Sommaire des Archives de la Marine antérieures à la Révolution*, edited by D. Neuville, a guide or list of the greatest value to students of French naval history.

The Abbé Ulysse Chevalier, as a pious work of friendship toward the late Abbé Albanès, has brought out a second volume of the latter's *Gallia Christiana Novissima* (Valence, Imprimerie Valentinoise) for which he left notes abundant. The new volume contains an indispensable array of documents relating to the church and bishops of Marseilles. A third volume will also be published, containing the similar material relating to the church of Arles.

Dom Bède Plaine, in a book based on most careful investigations, *La Colonisation de l'Armorique par les Bretons Insulaires* (Paris, Alphonse Picard), concludes that that colonization took place in a peaceful manner, and about the year 400 A. D.

St. Maur, according to the life by Faustus and Odo (*Acta Sanctorum*, Jan. 15), settled in 543 at Glanfeuil, upon lands offered him by a noble named Florus, and there constructed various monastic buildings, and died and was buried. At the request of the present abbot, Father C. de la Croix, S. J., has recently made excavations upon the spot, which, following the indications given by Faustus and Odo, have resulted in the discovery of the outlines of the villa of Florus, a nymphaeum belonging to it, the chapels built by the saint, his habitation and his sarcophagus. Father de la Croix sends us *Fouilles Archéologiques de l'Abbaye de St. Maur de Glanfeuil* (Paris, Alphonse Picard, pp. 24, quarto) in which these excavations and discoveries are described, with plates illustrating them with great completeness.



M. Robert Parisot's *Le Royaume de Lorraine sous les Carolingiens* (Paris, Picard, pp. 800), a model book of provincial history, extends from the date of the treaty of Verdun, 843, to 923, when the authority of the German kings was definitely established. M. Parisot writes neither as French nor as German; his main thesis is that, contrary to the usual opinion, Lotharingia had as much vitality as either the eastern or the western kingdom, and but for an unusual combination of mischances might have endured many ages. The Academy of Inscriptions and Belles Lettres has bestowed its first *prix Gobert* on M. Parisot's work.

Colonel Borrelli de Serres, in a volume entitled *La Réunion des Provinces Septentrionales (Amiénois, Artois, Vermandois, Valois) à la Couronne par Philippe-Auguste* (Paris, Picard), re-examines the whole matter embraced within his scheme in the light of the evidence now attainable, especially that of charters, and corrects with great care the genealogical and other details heretofore accepted.

In the *Collection de Textes pour servir à l'Étude et à l'Enseignement de l'Histoire* M. Fr. Funck-Brentano has published a text of the *Chronique Artésienne*, 1294-1304, sometimes known by the name of Guy de Dampierre; he has also printed among his notes copious extracts from a chronicle of Tournay, which, though later, is of some importance for the period covered by his chief text. For the same series M. Salmon has undertaken a new edition of Beaumanoir's *Coutumes de Beauvaisis*, in two volumes. The first has appeared (Picard); the second will contain the critical preface.

In the *Annuaire-Bulletin* of the Société de l'Histoire de France for 1899 M. Jules Viard presents the results of an examination of more than six hundred "lettres d'état" of Philippe de Valois, with a list of the documents themselves, often of considerable historical interest.

In Vol. 36 of the *Notices et Extraits* M. Paul Meyer brings forward a large amount of matter interesting to the history of medieval civilization in the south of France, from the journal of Ugo Teralh, cloth-merchant of Forcalquier, 1330-1332. The book, badly mutilated and fragmentary, is one in which the buyers have set down in their own handwriting, sometimes in Hebrew script, the details of their purchases and debts.

An analytical and critical list of the acts of Charles VII. is to be expected at the hands of the Marquis de Beaucourt.

The Marquis de Belleval has brought out the first volume, devoted to the reign of Francis II., of an interesting work called *Les Fils de Henri II.; La Cour, la Ville et la Société de leur Temps* (Paris, E. Lechevalier, pp. 680), in which he depicts court, clergy and nobles as they have depicted themselves in published writings, letters, inventories, etc.

The third volume of M. Paul de Félice's *Les Protestants d'Autrefois* (Paris, Fischbacher, pp. 397) treats, with the same minute fidelity which characterized his previous volumes, the organization of the Protestant

churches during the period from 1598 to 1685, and the mode in which, through institutions severe and oligarchical, their ecclesiastical business was conducted.

M. Berthold Zeller, before his death, had corrected the proof-sheets of still another volume devoted to the period of Marie de Médicis, which has now been published, *Louis XIII., Marie de Médicis, Richelieu Ministre*.

Under the title *Les Derniers Temps du Siège de la Rochelle* (Paris, Picard, pp. 144) M. E. Rodocanachi presents in Italian text with French translation the relation of the last five months of the siege (June–October, 1628) written by the papal nuncio, Guidi, archbishop of Patras. The document, preserved in the Barberini Library, is of capital importance, as the nuncio was constantly present during these months and describes in a straightforward and colorless manner what he saw. M. Rodocanachi adds some portions of the nuncio's correspondence, and a plan of Rochelle and the lines of investment, found at the Bibliothèque Nationale.

The French government has published the second and third volumes (1701–1793, pp. xl, 434, 498) of the Spanish section of its *Recueil des Instructions données aux Ambassadeurs et Ministres de la France*, edited by MM. A. Morel-Fatio and H. Léonardon.

M. Camille Rabaud, honorary president of the consistory of Castres, published in 1873 the first volume of an *Histoire du Protestantisme dans l'Albigeois et le Lauragais*, which extended to the fatal year 1685. Now, after a generation of researches in public, parochial and private sources of information, he publishes a valuable second volume (Paris, Fischbacher, pp. 642) extending from the Revocation to the present time, and exhibiting with fulness the life and the persecutions of the Huguenots.

Father A. Roussel, of the Oratory, with abundance of original documents and with much historical skill, has made out of the life of a "constitutional" bishop of Ille-et-Vilaine, Le Coz, an important contribution to the general subject of the ecclesiastical struggles under the Revolution and the Directory, and has justified the title *Un Évêque Assermenté* (Paris, Lethielleux, pp. 565) by the exposition of the typical nature of the facts with which he deals.

M. Léon Deschamps, author of an *Histoire de la Question Coloniale en France*, has now begun the publication of a valuable series of volumes on *Les Colonies pendant la Révolution*. The first (Paris, Perrin, pp. 346) is devoted to the dealings of the Constituent Assembly with colonial affairs; the author regards their labors in this department with more favor than has hitherto been usual.

Dr. G. Thomas de Closmadeuc, after minute researches in the original sources, especially in the papers of the military commissions which sat at Auray, Quiberon and Vannes, has published what may almost be regarded as a final account of the descent of the émigrés in 1795, *Quiberon*,

1795; *Émigrés et Chouans, Commissions Militaires, Interrogatoires et Jugements* (Paris, Société d'Éditions Littéraires, pp. 603). He dissipates the legend of the capitulation of Sombreuil. To him, however, Father Robert of the Oratory at Rennes replies in a considerable book entitled 1795; *Expédition des Émigrés à Quiberon; Le Comte d'Artois à l'Île d'Yeu* (Paris, Lamulle et Poisson, pp. 372).

Under the title *Bonaparte et les Bourbons* (Paris, Plon) Count Remacle has published, with introduction and notes, a series of the secret reports sent to Louis XVIII. in 1802 and 1803 by his agents at Paris.

Attractions both of subject and of treatment have brought almost immediately to a second edition Captain Émile Simon's *Le Capitaine La Tour d'Auvergne, Premier Grenadier de la République* (Paris, Charles-Lavauzelle, pp. 352).

Noteworthy articles in periodicals: Guilhiermoz, *Les deux Condamnations de Jean Sans-Terre par la Cour de Philippe-Auguste et l'Origine des Pairs de France* (Bibliothèque de l'École de Chartes, 1899, 1); A. Spont, *Marignan et l'Organisation Militaire sous François I<sup>er</sup>* (Revue des Questions Historiques, July); A. Tilley, *Some Pamphlets of the French Wars of Religion* (English Historical Review, July); X. Mossmann, *La France et l'Alsace après la Paix de Westphalie*, II. (Revue Historique, July); Le Téo, *Le Club Breton et les Origines des Jacobins* (La Révolution Française, May 14); Baron P. de Coubertin, *Modern History and Historians in France* (American Monthly Review of Reviews, July).

#### ITALY, SPAIN.

M. Léon-G. Pélissier reviews recent historical work in Italy, in the July number of the *Revue des Questions Historiques*.

The *Archivio della Reale Società Romana di Storia Patria*, XXII. fasc. I.-II., consists mostly of articles continued from previous issues: letters from the monastery of Saints Cosmas and Damianus in Mica Aurea, ed. P. Fedele; F. Pometti's studies on the pontificate of Clement XI.; and *regesta* of the monastery of St. Silvester in Capite, ed. V. Federici. There is also a critical account of the battle of the Garigliano, 915, by P. Fedele.

Father Fedele Savio, in his *Gli Antichi Vescovi d'Italia dalle Origini al 1300 descritti per Regioni*, has begun to do over again on a systematic plan the work which was done in the seventeenth century by Ughelli in his *Italia Sacra*; but he proposes to proceed modestly and tentatively, province by province, and makes a beginning with his own province of Piedmont. In his first volume (Turin, Bocca, pp. 625) he covers the episcopal lists of that province, and presents besides an interesting series of special dissertations.

In the *Nuovo Archivio Veneto*, XVII. 1, Professor Carlo Cipolla gives a general review of the publications of 1896 on medieval Italian history.

The historical congress commemorating the eleven-hundredth anniversary of the death of Paulus Diaconus was held at Cividale del Friuli on September 3-8. It is expected that at least a portion of the papers presented will be published in a memorial volume.

Mr. Paget Toynbee of Balliol College, Oxford, has just brought out (Clarendon Press) *A Dictionary of Proper Names and Notable Matters in the Works of Dante* (pp. 624), in which, with his well-known accuracy of scholarship, he has presented a vast amount of information largely historical in its character. Genealogical and chronological tables, in further illustration of Dante's numerous historical allusions, have been appended.

Professor Isidoro del Lungo follows up his last year's volume of essays on the age and poem of Dante by a book of studies of Florentine history in Dante's time called *Da Bonifazio VIII. ad Arrigo VII.* (Milan, Ulrico Hoepli, pp. 474).

*Figure e Figurine del Secolo che Muore*, by Raffaello Barbiera (Milan, Fratelli Treves) has had a great success in Italy. It belongs to the literature of gossip and scandal rather than to that of history, and yet it contains so much miscellaneous information about historical characters that it deserves mention here. Especially full is the account of Confalonieri and the Carbonari conspirators of 1821, of the Mazzinian conspirators of 1834 and 1844, and of the reign of the ballet dancers at Milan. Sig. Barbiera has ransacked the Austrian secret police archives, as well as most of the personal memoirs relating to life in Milan during this century.

*Temple Bar* for July contained an article by the Countess Evelyn Martinengo-Cesaresco, on Duke Sigismondo Castromediano, one of the Neapolitan Liberals of 1848, who was imprisoned for many years by King Bomba. He died recently, and bequeathed his memoirs to the city of Lecce, which has published them.

In an excellent little volume of a hundred pages, *Marzo 1848-Marzo 1849* (Novara, A. Merati), Professor Alfonso Professione commemorates the fiftieth anniversary of the battle of Novara by a narrative which includes, by way of introduction, the events of the preceding year. For his account of the battle he relies largely on a report made by the Duke of Genoa to General Chrzanowski, and on a report by Major Righini, chief of the general staff.

Signor A. Plebano has begun the publication of a *Storia della Finanza Italiana dalla Costituzione del Nuovo Regno alla Fine del sec. XIX.*, of which Vol. I. (Turin, Roux Frassati and Co., pp. 520) extends from 1861 to 1876.

A highly important contribution to the history of the early finances of Genoa, and of much more than merely local importance, is the treatise on *Genueser Finanzwesen mit besonderer Berücksichtigung der Casa di San Giorgio* which Professor Heinrich Sieveking has begun to publish,

after careful independent studies of the various archive material as well as of the abundant stores published in recent years by the Società Ligure di Storia Patria. The first volume (Freiburg, Herder, pp. 218) discusses the taxation, indebtedness and general finance of Genoa down to the foundation of the Bank of St. George.

Vols. XXI. and XXII. of the second series of the *Monumenta Historica Patriae* (Turin, Fratelli Bocca) consist of a *Codex Diplomaticus Cremonae*, edited with great care by Professor Lorenzo Astegiano, and extending from the earliest times (in which the documents are quoted *in extenso*) down to 1335. A first volume of such a cartulary had been printed in 1878 by the late Francesco Robolotti; but that edition was found to be so imperfect, and Signor Astegiano's tireless researches had brought to light so many new documents, that a new edition of the whole was resolved on. More than 3200 documents are printed or listed, so that abundant materials are provided for the history of the town from the eighth and ninth centuries to the extinction of its independence. The second volume also contains the editor's *Ricerche sulla Storia Civile del Comune di Cremona fino al 1334*, which was crowned by the Accademia dei Lincei in 1889.

Dr. A. Lisini, archivist at Siena, has published the first volume of an *Inventario del R. Archivio di Stato di Siena* (Siena, L. Lazzeri). The collection is an important one, the documents ranging in date from 736 down and numbering some fifty-five thousand parchments.

A large part of the last number we have received of the *Revista Critica de Historia y Literatura* (October–December, 1898) is devoted to a survey of the life and works of the distinguished historical writer, Don Marcos Jimenez de la Espada, who died in last October.

Noteworthy articles in periodicals: K. Zeumer, *Zur Geschichte der wisigothischen Gesetzgebung*, III. (*Neues Archiv*, XXIV. 2); G. Salvemini, *Le Consulte dei Consigli Fiorentini* (*Archivio Storico Italiano*, XXIII. 1); A. T. Mahan, *The Neapolitan Republicans and Nelson's Accusers* (*English Historical Review*, July); *Un Po' Più di Luce sulla Convenzione del 15 Settembre 1864* (*Nuova Antologia*, March 1).

#### GERMANY, AUSTRIA.

The directors of the *Monumenta Germaniae Historica* announce that they have in the press their fourth volume of Merovingian sources, comprising the works of Jonas of Bobbio, ed. Krusch; *Deutsche Chroniken*, Vol. III., ed. Strauch; *Leges Visigothorum*; and the index to Vol. II. of the *Necrologia Germaniae*. The printing of the Carolingian documents (–814, ed. Mühlbacher) will be begun before long. A fourteenth volume of the *Auctores Antiquissimi* is planned, to be entitled *Carmina Selecta Aetatis Romanae Extremae*, and to contain fragments of Merobaudes and Dracontius and a variety of poems of historical interest emanating from the times of Vandal dominion in Spain and Africa. Professor Paul Kehr of Göttingen has undertaken the continuation of the *Liber*

*Pontificalis*, begun by Mommsen; Professor Michael Tangl of Berlin that of the Frankish and Lombard judicial documents begun by Hübner. In the "Handausgaben" a new edition of the *Vita Heinrichi IV.*, ed. Eberhard, is issued, and one of the works of Hrotsvitha, ed. Winterfeld, is projected. Vol. II. of Hartmann's edition of the register of Pope Gregory I. (begun by the late Paul Ewald) is now completed.

Professor F. von Thudichum's suggestion (1892) of a general historical map of Germany on a scale of 1:100,000 now wins general approval. Most of the historical commissions of the various states have signified a willingness to co-operate. Detailed indications respecting the project may be seen in *Erläuterungen zur historisch-statistischen Grundkarte für Deutschland* (Leipzig, B. G. Teubner, pp. 16) by H. Ermisch, issued by the Saxon Commission.

*Translations and Reprints*, VI. 3, of the University of Pennsylvania is entitled *The Early Germans*. Of its 36 pages, 23 are from Church and Brodribb's Tacitus. The pieces which follow, from Josephus and Ammian, can hardly be thought adequate, for so large a subject.

The Gutenberg festival at Mainz is fixed for June 24, 1900.

The Bavarian Academy of Sciences plans a publication of the correspondence of the South German humanists (-1550), and has sent out circulars requesting the co-operation of librarians in whose custody such letters may be found.

Paulus's *Johann Tetzel, der Ablassprediger* (Mainz, Kirchheim, pp. 187) is to be recommended as a monograph of admirable quality, by reason both of the author's command of the sources and of his critical acumen.

The Hansische Geschichtsverein expects shortly to bring out the second volume (1572-1592) of the *Kölner Inventare*, ed. K. Höhlbaum, and a *Geschichte und Akten der Bergenfahrer in Lübeck*, ed. F. Burns, forming the second volume of the new series of *Hansische Geschichtsquellen* and following closely the lines of F. Siewert's *Geschichte und Urkunden der Rigafahrer in Lübeck im 16. und 17. Jahrhundert*, recently published by the society.

In the "Bibliothek deutscher Geschichte," which appears in parts, the first volume of Professor K. Th. Heigel's *Deutsche Geschichte vom Tode Friedrichs des Grossen bis zur Auflösung des alten Reiches* is now completed (Stuttgart, Cotta, pp. 574). It extends to the first campaign in France (1786-1792).

In two articles in the *Deutsche Rundschau*, for April and May, Professor Erich Marcks presents an excellent general and critical review of Bismarck's memoirs and of the Bismarck literature of the past year. Dr. Max Lenz follows up the same subject in the same journal for June, Professor Hans Delbrück in the *Preussische Jahrbücher* for June.

It is proposed to establish at Stendal in the Altmark a Bismarck Ar-



chive, for the reception of documents and books relating to Bismarck's career, and for a museum of portraits, medals and other objects of personal interest. An adequate building and endowment are sought by a committee, of which Oberbürgermeister Werner is the head.

Upon occasion of the seventieth year of the life of King Albert of Saxony and the twenty-fifth year of his reign, Dr. Paul Hassel, director of the royal archives, was charged with the preparation of an official biography of the King, considered in relation to the history of his times. Of this work the first part, relating to the years from 1828 to 1854 (when King John came to the throne) and to the history of Saxony during that time, has now been published, *König Albrecht von Sachsen* (Berlin, E. S. Mittler und Sohn).

*Erinnerungen aus dem Leben des Generaladjutanten Kaiser Wilhelm's I. Hermann von Boyen*, published by Boyen's son-in-law Wolf von Tümpeling (Berlin, E. S. Mittler und Sohn, pp. 244) owes its importance and interest, which are considerable, to the fact that Boyen was for thirty-one years (1848-1879) constantly in the personal service of the King and Emperor. A keen observer and a good narrator, he has much to say of the beginnings of the regency, of wars, negotiations and personalities during the eventful years named.

Two interesting contributions to a knowledge of the life of Gregorovius have been published by Paetel in Berlin: a series of his letters to the Countess Ersilia Caetani Lovatelli, edited by Sigmund Münz, and another, of letters to the Secretary of State Hermann von Thile, edited by Hermann von Petersdorff.

The important position which has been held in the trade of the Levant by the thaler of Maria Theresa is well known. Even so late as in the years 1892-1897 inclusive, it appears, twenty-three millions of them were struck, all with the date 1780. The history of this coin and of its vogue in Turkey and in Oriental and African lands has been elaborately worked out by Herr C. Peetz and Dr. J. Raudnitz, *Geschichte des Maria Theresienthalers* (Vienna, Gräfer).

Dr. Luckwaldt's important *Oesterreich und die Anfänge des Befreiungskrieges von 1813* (Berlin, Ebering, pp. 407), confirms the usual view of Metternich's policy during that momentous crisis, but is adapted to heighten the general impression of the high-minded patriotism of Count Stadion.

Vol. I. of Professor Adolf Bachmann's *Geschichte Böhmens* (Gotha, F. A. Perthes, pp. 911), in the Heeren and Ukert series, extends to the year 1400.

Noteworthy articles in periodicals: W. Schücking, *Ueber die Entstehungszeit und Einheitlichkeit der Lex Saxonum* (Neues Archiv, XXIV. 2); B. von Simson, *Die wiederaufgefundene Vorlage der Annales Mettenses* (Neues Archiv, XXIV. 2); W. Sickel, *Die Kaiserwahl Karl's des Grossen* (Mittheilungen des Instituts für österreichische Geschichtsforschung,



XX. 1); H. Witte, *Über die Abstammung der Hohenzollern* (Historische Zeitschrift, LXXXIII. 2).

#### NETHERLANDS AND BELGIUM.

The *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, the oldest of the Dutch historical journals, began this summer a fourth series, under the editorship of Professors P. J. Blok and P. L. Muller of Leyden. Hereafter each number will contain reviews of books and articles on the history of the Netherlands.

Professor Paul Fredericq of Ghent has well under way the third volume of his *Geschiedenis der Inquisitie in de Nederlanden*, which will stop at the reorganization effected by Charles V.; and also the third volume of his *Corpus Documentorum Inquisitionis Haereticæ Pravitatis Neerlandicæ*, which will contain pieces of the sixteenth century relative to the first persecutions of the Protestants.

In the *Bijdragen en Mededeelingen* of the Historical Society of Utrecht Mr. G. W. Kernkamp prints a number of papers relating to the Noord-Compagnie, ranging in date from 1615 to 1628.

The new Belgian historical journal, *Archives Belges*, will be published at Liège (Rue Hemricourt 14), under the care of Professor A. Delescluze as managing editor.

#### NORTHERN AND EASTERN EUROPE.

The work on the Helgi poems in the Elder Edda, their home and connections, by Professor Sophus Bugge of Christiania, has been translated from the Norwegian by an American scholar, Mr. W. H. Schofield, and published by David Nutt of London under the title *The Home of the Eddic Poems, with especial reference to the Helgi Lays*.

The University of Upsala issues, in the annual of its philosophic department, Dr. P. Girgensohn's *Skandinavische Politik der Hansa 1375-1395* (pp. 200).

Perhaps no more important brief general work on Russian history has lately appeared in Germany than *Drei Jahrhunderte Russischer Geschichte: Überblick der Geschichte Russlands seit Thronbesteigung der Romanow bis jetzt, 1598-1898*, by Professor Arthur Kleinschmidt of Heidelberg (Berlin, Johannes Rade).

A series of *Fontes Rerum Polonicarum* for school use has been begun at Lemberg (Gubrynowicz and Schmidt) with an edition of *Galli Anonymi Chronicon*, by Finkel and Ketrzynski.

In a volume entitled *Lasciana nebst den ältesten evangelischen Synodalprotokollen Polens 1555-61* (Berlin, Reuther und Reichard, pp. xvi, 575), Dr. Hermann Dalton has supplemented his work on Johannes à Lasco published in 1881 by new material, which falls in three divisions. The first contains pieces mostly theological; the second, 108 letters of Lasco, collected with great industry from a wide variety of repositories; the third, the synodal records alluded to in the title.

The memoirs of the King of Rumania, *Aufzeichnungen eines Augenzeugen*, have been translated into English in an abridged form (one volume, pp. 367), and are published by Messrs. Harper and Brothers, with an introduction by Mr. Sidney Whitman.

An important contribution to Rumanian history is made by the recent publication of the *Mémoires* of Prince Nicolas Soutzo, 1798-1871, grand logothete of Moldavia. They are edited by Mr. Panaïoti Rizos, and published at Vienna (Gerold, pp. 434).

The Cretan war of 1667-1669 is the subject of No. 26 of the monographs in military history published by the Prussian General Staff. It has been written with great care and skill by Colonel Bigge.

#### AMERICA.

*The Commerce Clause of the Federal Constitution*, by E. P. Prentice and G. Egan (Chicago, Callaghan) is in large part historical, discussing the development of the interpretation of that clause by the courts, and other historical aspects of the provision involved.

*Centralized Administration of Liquor Laws in the American Commonwealths* (Columbia University "Studies," X. 3), by Mr. C. M. L. Sites, is partly historical in its character. The chapters relate respectively to excise revenue administration, restrictive license administration, repressive police administration, commercial administration and judicial administration, and each begins with a historical sketch of the development of that mode of administration in the various states. (Macmillan, pp. 162.)

The Macmillan Co. publish, early this autumn, a volume of *Select Charters and other Documents illustrative of American History, 1606-1775*, by Professor William MacDonald of Bowdoin College, similar in plan to his *Select Documents illustrative of the History of the United States, 1776-1861*.

Mr. Thwaites's edition of the *Jesuit Relations*, to which we shall recur in a later issue, has reached Vols. XLIX. and L., which are mainly occupied with narratives from François le Mercier, written at Quebec in 1665, 1666 and 1667.

The "American Architect and Building News" Company has issued a portfolio of plates, prepared by various architects, entitled *The Georgian Period*, and containing measured drawings, details, picturesque sketches and photographic reproductions of colonial work in New Hampshire, Massachusetts, New York, Pennsylvania, Maryland and South Carolina. The selection and the execution are such as to make the book a delight to students of early American art.

The Werner Co., of Akron, Ohio, are publishing a large work on *The United States Army and Navy, 1776-1899*, for which Lieut.-Col. A. L. Wagner, U. S. A., has described the army, and Commander J. D. Jerrold Kelley, U. S. N., the navy. The volume is amply illustrated.

Mr. George Clinton Genet, son of Edmond Charles Genet, the envoy of 1793, has printed a pamphlet entitled *Washington, Jefferson and "Citizen" Genet*, in which, partly from family documents, he argues against the usual judgment of historical writers respecting Genet's conduct of his mission to the United States.

Vol. VI., No. 2, of the Pennsylvania *Translations and Reprints* contains the important portions of the "X.Y.Z. Letters," edited by Professors Ames and McMaster.

Mr. C. W. Sommerville has published (Washington, The Neale Co.) a Johns Hopkins doctoral dissertation on the life of Robert Goodloe Harper.

The Government Printing Office has begun the issue of Series 2 of the *Official Records of the War of the Rebellion*. Of the first three volumes (pp. 1044, 1630, 946), two relate to the treatment of disloyal persons, North and South, while the third makes a beginning of the documents relating to prisoners of war and state.

We understand that Captain John Bigelow, Jr., U. S. A., has nearly ready for publication an extensive book on the Chancellorsville campaign.

Rev. George Nye Boardman, an emeritus professor in the Chicago Theological Seminary, has published, under the title *A History of New England Theology* (New York, A. D. F. Randolph and Co., pp. 314), an account, having its origin in seminary lectures, of the development of the "new divinity" from 1730 to 1830.

The Massachusetts Society of Mayflower Descendants began in January the publication of an organ called *The Mayflower Descendant*. The first number contained extracts from the "Brewster Book," and other genealogical records, and made a beginning of the transcription of the earliest Plymouth Colony wills and inventories. The Massachusetts Society proposes an extensive search in England and Holland for record information relating to the passengers in the *Mayflower*, *Fortune*, *Ann* and *Little James*. No. 2 begins the publication of the second volume of Plymouth Colony deeds, of which the state published one volume in 1861, but no more.

The *Publications* of the Rhode Island Historical Society for July contains the first installment of a diary, kept during the Burgoyne campaign by Rev. Dr. Enos Hitchcock, chaplain, who was afterward, 1783-1803, minister of the First Congregational Church in Providence. The diary is ably and entertainingly edited by Mr. William B. Weeden, who has prefixed to the present installment a brief account of Dr. Hitchcock and a sermon of his entitled "A Devout Soldier," preached at West Point in 1782.

The latest annual report of the Connecticut Historical Society records the gift, by the heirs of the late Jonathan F. Morris of Hartford, of several thousand letters and papers of Commissary-General Jeremiah Wadsworth from the end of the Revolution to his death. These supplement

his Revolutionary correspondence already presented by the same family. The society has also acquired a considerable portion of the correspondence of the late Hon. Gideon Welles, Secretary of the Navy during the Civil War.

For students of New England ecclesiastical history, much interest attaches to those "Separatist" churches which were formed in Connecticut in the middle of the last century, as a result of the "Great Awakening" and of the division between the Old Lights and the New Lights. Rev. Oliver W. Means has studied carefully the history of one of these churches, and gives the results in a pamphlet of 58 pages called *The Strict Congregational Church of Enfield*, a thesis presented to the faculty of the Hartford Theological Seminary as a part of the qualifications for the degree of Doctor of Philosophy.

The *New York State Library Bulletin, History, No. 2* (pp. 53-204) is made up from the manuscript volume of colonial records called "General Entries, Vol. I.," which extends from July 1664 to September 1665, and contains documents relating to the surrender, and records of the secretary of the province as to various matters requiring adjustment in the first year of English rule. The *Bulletin* contains a calendar of all the documents in the volume, and the text of about 150 documents, of which indeed a third had been printed before, but which are of value for the history of a transitional period. The bulletin was edited by Mr. George R. Howell. *Bulletin No. 3* is an admirably executed *Annotated List of the Principal Manuscripts in the New York State Library*, accompanied by a bibliography of writings relating to those manuscripts (pp. 209-237).

From the latest annual report of the comptroller of the state of New York it appears that the work of arranging the documents relating to the Revolutionary War and putting them in proper form for preservation and consultation has been carried out with great thoroughness. The names of 128 officers and 1884 men, in the line, the levies or the privateers, have been added to the former record, and a second edition of *New York in the Revolution*, containing these names, and also those of men enlisted under the "land bounty rights," has been published.

The June and July numbers of the *Bulletin* of the New York Public Library continue, and apparently conclude, the publication of the Smith of Nibley papers, relating to early Virginian history; the August number contains an interesting series of letters of Calhoun to Samuel L. Gouverneur, son-in-law of President Monroe. They exhibit Calhoun's attitude toward New York politics during a considerable number of years.

The Collegiate Reformed Protestant Dutch Church, New York, has published *A Brief Account of our Historic Church*, presenting, with many pictorial illustrations, an account of the development of that denomination from 1566 to the present time, with especial attention to the church in New York.

The copies of documents from ecclesiastical archives in Amsterdam and the Hague, which Dr. E. T. Corwin procured as agent of the Dutch Reformed Church in America, will, it is estimated, make about two volumes of print. Dr. Corwin is now engaged in preparing them for publication by the State of New York.

Two excellent recent volumes of Long Island history are *The Social History of Flatbush*, by Gertrude Lefferts Vanderbilt (Appleton), and a *History of the Town of Flushing*, by Henry D. Waller (Flushing, T. H. Ridenour).

Mr. Frank H. Severance, editor of the *Illustrated Buffalo Express*, is about to publish a volume of historical studies entitled *Old Trails on the Niagara Frontier*.

Mr. William Nelson, Jr., corresponding Secretary of the New Jersey Historical Society, intends to publish a full bibliography of the New Jersey imprints of the last century. A preliminary check-list has already been printed in a small number of copies.

The July number of the *Pennsylvania Magazine of History* contains, besides continuations of articles begun in previous numbers, an article by Dr. W. H. Egle on the "Buckshot War" of 1838, a defence of the Hessians, translated from the German, and several biographical letters derived from among the Rawle papers.

The Columbia Historical Society, of Washington, D. C., has issued Vol. II. of its *Records*. The volume is mainly occupied with material relating to Major Pierre Charles L'Enfant, the engineer who planned the city, and with memorials of the former mayors of Washington.

In the twenty-sixth volume of the *Papers of the Southern Historical Society*, edited by Dr. R. A. Brock, the most interesting matters are an article by Professor W. LeRoy Broun, on the difficulties and successes attending the work of the Confederate ordnance department, and a criticism of the campaign and battle of Gettysburg by Major-General Isaac R. Trimble, who commanded a division in that fight.

The *Virginia Magazine of History* for July contains a continuation of John Redd's quaint reminiscences of Western Virginia from 1770 to 1790; of the inventory of Robert Carter; of the abstracts of Virginia land-patents; and of the late Mr. Sainsbury's abstracts. Of the latter, the installment now published relates to the commission of 1624 for devising a new government for the colony. The will of Christopher Robinson, 1693, is printed. Mr. Joseph A. Waddell, author of the well-known history of Augusta County, contributes a chapter on "How the First Settlers of the Valley Lived." The remainder of the contents is of genealogical rather than historical interest.

Mr. Robert Lee Traylor has printed, in fifty copies, *Some Notes on the First Recorded Visit of White Men to the Site of the Present City of Richmond, Virginia*, in which he has embodied the pertinent extracts from Archer, Percy and Smith.

In the *Nation* of September 21 Mr. W. H. Whitmore of Boston gives a lucid and convenient summary of those modern researches by which the pedigree of Washington, *i. e.*, of his emigrant ancestor, John Washington, has been established.

In his *Lives of Distinguished North Carolinians* (Raleigh, North Carolina Publishing Society, pp. 605) Mr. W. J. Peele has gathered together from various sources fifteen North Carolina biographical sketches printed in former times, but now difficult to obtain. The subjects are Davie, Macon, Murphey, Gaston, Badger, Swain, Ruffin, Bragg, Graham, Moore, Pettigrew, Pender, Ramseur, Grimes and D. H. Hill. Specimens of their writings have in some cases been added.

In the July number of the *Publications* of the Southern History Association, Mr. A. S. Salley of South Carolina prints an interesting group of nullification resolutions which were submitted to the legislature of that state on December 2, 1828, by various members of that body.

The Confederate Museum of New Orleans has lately acquired four boxes of the correspondence of Jefferson Davis.

The New Orleans *Picayune* of September 14 contains an interesting and valuable collection of material for the history of the *journée* of September 14, 1874, when by armed conflict the McEnery government overthrew that of Kellogg.

The April number of the *Quarterly* of the Texas State Historical Association is almost entirely occupied with a single very interesting and important document, a long letter of Father Damian Manzanet, describing his journeys for the discovery of the Bay of Espíritu Santo and his foundation in 1690 of the mission of San Francisco de los Tejas, the first Spanish mission in Texas. The document is presented in facsimile and in English translation. The July number contains an extremely interesting narrative, by a Mr. Lewis of Louisiana, whose Christian name is not recorded upon the manuscript, but who was one of Austin's immigrants on board the *Lively*, in 1821. His account of the adventures of that unfortunate expedition is to be finished in the next number. The variety of national elements which does so much to give interest to Texan history is well illustrated by two other articles, one of which presents the reminiscences of Louis Reinhardt, concerning the communistic colony of Bettina, 1846-1848, founded by Germans, mostly university men, at the instance of Prince Solms-Braunfels, and named for Bettina von Arnim, while the other article, by Mr. O. W. Williams, essays, chiefly upon the basis of the Texan flora, to trace through southwestern Texas the route of Cabeza de Vaca.

*Retrospects and Prospects* (Scribners), a volume of essays by the late Sidney Lanier, contains among others a historical essay of much interest on San Antonio de Bexar, Texas.

The Northern Indiana Historical Society, incorporated in 1896, and located at South Bend, on the St. Joseph River, begins a series of publi-

cations with an essay by its secretary, Mr. George A. Baker, on the *St. Joseph-Kankakee Portage, its Location and use by Marquette, La Salle and the French Voyageurs*. Though marked by excessive use of secondary authorities, the pamphlet is interesting, and it is well illustrated. The portage, it is perhaps unnecessary to say, was one of those by which the passage was made from Lake Michigan to the Mississippi.

The State Historical Society of Wisconsin has issued in one book (pp. 225) the *Proceedings* of its forty-sixth annual meeting and those of the "historical convention" which it held on February 22 and 23 last. We note that the society has acquired a large number of copies from archives in Paris, relating to the French domination in Wisconsin, and, among other gifts, that the correspondence of the chairman of the Democratic state central committee for the campaign of 1888 has been given to the society, but is not to be made accessible to the public before 1900. The principal feature of the convention was an address by Professor George B. Adams of Yale University, on The Origin and the Results of the Imperial Federation Movement in England. Other papers here printed are on the Puritan influence in Wisconsin, on the settlement of Beloit, on the influence of the French régime in the valley of the Fox River, on the German-American press, and on the first Norwegian settlements in America, within the present century.

The July number of the *Annals of Iowa* is mainly occupied with the record of the exercises and speeches at the laying of the corner-stone of the state's Historical Building on May 17. A picture of the handsome building in which the Historical Department is hereafter to be housed is presented. The magazine also has an article on the one fugitive-slave case which was tried in Iowa before a United States commissioner, written by Mr. George W. Frazee, who was commissioner at the time.

The Nebraska Historical Society has done a useful service in printing *The Provisional Government of Nebraska Territory and the Journals of William Walker*, provisional governor, with notes by William E. Connelley. Walker was a Wyandot, and his journal shows a curious mixture of civilization and barbarism.

It is expected that the library of books of California history owned by the late William A. Piper will pass into the possession of the Leland Stanford University.

Mr. Charles F. Lummis is printing in his magazine *The Land of Sunshine* (Los Angeles, California) an English translation of the invaluable report on California, 1767-1793, made by the Viceroy, Revilla Gigedo.

Seldom has a young historical society been able to illustrate the early annals of its locality by the printing of manuscripts so interesting and so important as *The Correspondence and Journals of Captain Nathaniel J. Wyeth, 1831-6*, which the Secretary of the Oregon Historical Society, Professor F. G. Young, has just published as a part of his series of



"Sources of the History of Oregon." He has been so fortunate as to find, in the possession of a lady in Massachusetts, letter-books containing 245 of Wyeth's letters, and his journals of the two expeditions, 1832-1833 and 1834-1836, which he conducted from the East to the Oregon country with a view to the occupation of the latter by the Americans of the United States. These Mr. Young has printed in a volume of 292 pages, with two maps. It makes a contribution to the early history of the state which would alone justify the existence of the Oregon Historical Society.

The history of the Hudson's Bay Company bids fair to be thoroughly made known. At least three books upon it, all likely to be excellent, are announced. That of Mr. Beckles Willson, which we have already mentioned, is expected to appear this autumn. A second is to be brought out by the Rev. Professor Bryce of Winnipeg, and a third, by Mr. Miller Christy, probably more elaborate than the others, at any rate the fruit of long researches, is announced as likely to be ready for publication in a year or eighteen months.

The tenth volume of the *Collections* of the Nova Scotia Historical Society is entirely composed of a valuable monograph by Rev. Dr. T. Watson Smith, on the Slave in Canada.

Mr. John T. Hassam of the Massachusetts Historical Society has sent us a "separate" from the next volume of the *Proceedings* of that society, containing an elaborate and interesting paper read by him at its March meeting, on the Bahama Islands and the early attempts at their colonization, with notes on the individual patentees of 1650.

In the *Revue des Bibliothèques*, 1899, Nos. 1-3, M. Henri Omont presents a catalogue of the Mexican manuscripts possessed by the Bibliothèque Nationale at Paris.

The Century Co. has brought out a volume called *Maximilian in Mexico*, by Mrs. Sara Y. Stevenson, who spent several years in contact with the imperial court, from 1862 to 1867.

Dr. A. Telting, sub-director of the Royal Archives at the Hague, has lately carried through a scientific re-arrangement of the public records preserved in Dutch Guiana and the Dutch West Indies.

In the proceedings of the Berlin Academy (1899, No. 3) Professor Rudolf Virchow discusses on ethnographical grounds the early population of the Philippine Islands and the first immigration of the Indians, which, he concludes, must have taken place before the arrival of the Spaniards.

Noteworthy articles in periodicals: H. C. Lea, *The Indian Policy of Spain* (Yale Review, August); H. L. Osgood, *Connecticut as a Corporate Colony* (Political Science Quarterly, June); *The American Colonies in the Eighteenth Century* (Quarterly Review, July); P. L. Ford, *The Many-Sided Franklin* (Century, July-September); J. C. Schwab, *Prices in the Confederacy* (Political Science Quarterly, June).